

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Diane Thompson/OU=DC/O=USEPA/C=US  
**Sent:** Tue 9/29/2009 3:06:40 PM  
**Subject:** Re: Hotel Reservations for Copenhagen - Information for EPA Administrator and Staff and other modifications

I will find out

----- Original Message -----

From: Richard Windsor  
Sent: 09/29/2009 11:00 AM EDT  
To: Diane Thompson  
Subject: Re: Hotel Reservations for Copenhagen - Information for EPA Administrator and Staff and other modifications  
I say yes cuz of the number of cong codels to Copenhagen. Does David want to go?

----- Original Message -----

From: Diane Thompson  
Sent: 09/29/2009 10:52 AM EDT  
To: Richard Windsor  
Cc: Eric Wachter  
Subject: Fw: Hotel Reservations for Copenhagen - Information for EPA Administrator and Staff and other modifications  
A question has come up whether you want David M to be part of the EPA delegation to Copenhagen mtg. We asked Michelle to summarize the current staffing plan. If we are going to add David we should move on it now. Probably best if Arvin stays here since Congress will be in and we need at least one of them managing the OCIR shop.

\*\*\*\*\*

Diane E. Thompson  
Chief of Staff  
U. S. Environmental Protection Agency  
202-564-6999

----- Forwarded by Diane Thompson/DC/USEPA/US on 09/29/2009 10:48 AM -----

From: Michelle DePass/DC/USEPA/US  
To: Diane Thompson/DC/USEPA/US@EPA  
Date: 09/29/2009 09:39 AM  
Subject: Fw: Hotel Reservations for Copenhagen - Information for EPA Administrator and Staff and other modifications

Diane,  
As a follow-up to your email yesterday:

The staff and political delegation members are below. Joe Ferrante in my office was back and forth with the Administrators office last week ensuring that the Administrator had rooms for her advance and security. The State Department required this information last week. Our office was working with Katherine Gage and Diane Bazel on those names. We are now committed to the number of rooms that we held.

Maurice, Leif, Kim, Scott and Joe have been a part of the ongoing negotiating process.  
Political folks are also on the list (myself, Shalini, Gina and Lisa H.)

In the attachment below - I provided information regarding the Administrator, her staff, and security detail. Listed participants are: Lisa Jackson, Robert Goulding, Personal Privacy Personal Privacy an advance person and press person (both yet to be named).

Re: Arvin- I am unsure at his point whether there are any more rooms to be had for the second week and if you all decide that he or David should go to help with the co-del, we would have to do some pretty fancy footwork to try to secure him a room.

Let me know what you decide re: Arvin and if you have any questions, I will see you this afternoon for another meeting,  
Michelle,

---

Michelle DePass  
Assistant Administrator

U.S. Environmental Protection Agency  
Office of International Affairs  
Ronald Reagan Building/MC 2610R  
1300 Pennsylvania Ave., NW  
Washington, DC 20004

Phone: 202-564-6600  
Fax: 202-565-2407  
Email: [depass.michelle@epa.gov](mailto:depass.michelle@epa.gov)

Lakita Stewart  
Acting Executive Assistant to Michelle DePass  
Phone: 202-564-6458  
Fax: 202-565-2407  
Email: [stewart.lakita@epa.gov](mailto:stewart.lakita@epa.gov)

----- Forwarded by Michelle DePass/DC/USEPA/US on 09/29/2009 09:20 AM -----

From: Joe Ferrante/DC/USEPA/US  
To: Michelle DePass/DC/USEPA/US@EPA  
Date: 09/28/2009 05:26 PM  
Subject: Fw: Hotel Reservations for Copenhagen - Information for EPA Administrator and Staff and other modifications

Per our discussion. This is accurate up to this point. Although, there may be others from EPA conducting side events that are not accounted for in the following email and attachment.

Best,

Joe

Joe Ferrante  
Senior Advisor, International Negotiations Program  
Office of Global Affairs and Policy  
Office of International Affairs  
U.S. EPA

(202) 564-6558 (Phone)  
(202) 565-2918 (Fax)  
Email: ferrante.joe@epa.gov

----- Forwarded by Joe Ferrante/DC/USEPA/US on 09/28/2009 05:25 PM -----

From: Joe Ferrante/DC/USEPA/US  
To: "Gates, Isabel N (OES-DRL)" <GatesIN@state.gov>  
Cc: Maurice LeFranc/DC/USEPA/US@EPA, Catherine Allen/DC/USEPA/US@EPA, Mike Weckesser/DC/USEPA/US@EPA, Martin Dieu/DC/USEPA/US@EPA, Laura Sauls/DC/USEPA/US@EPA, Walker Smith/DC/USEPA/US@EPA, Shalini Vajjhala/DC/USEPA/US@EPA, Katharine Gage/DC/USEPA/US@EPA, Mike Weckesser/DC/USEPA/US@EPA, Diane Bazzle/DC/USEPA/US@EPA, David Swack/DC/USEPA/US@EPA  
Date: 09/25/2009 02:27 PM  
Subject: Re: Hotel Reservations for Copenhagen - Information for EPA Administrator and Staff and other modifications

Hi Isabel,

Thanks for your help regarding hotel arrangements for the Climate Change Negotiations in Copenhagen.

Per our conversation, here is the additional information necessary to secure hotel rooms for the EPA Administrator and her staff (please find that information attached.)

We anticipate that she will need a car while in Copenhagen. So, please let us know what information you'll need from us to arrange for a car.

As we discussed, these arrangements for the Administrator are in addition to the rooms that have already been secured for EPA.

I believe Maurice LeFranc spoke to you (or someone at State) earlier in the week, and conveyed to following to me on 9/23:

-----  
Here is what I found out from State this morning:

The following rooms have been reserved for EPA staff:

Crowne Plaza Hotel

Gina McCarthy	Week 2
Jackie Krieger	Week 1
Lisa Heinzerling	Week 2
Walker Smith	Weeks 1 & 2
Michelle DePass	Weeks 1 & 2

Joe Ferrante                      Weeks 1 & 2

Scandic Hotel

Leif Hockstad                      Weeks 1 & 2-

Kim Klunich                      Weeks 1 & 2

Scott Bartos                      Weeks 1 & 2

---

Some of the above names will change (from our existing reservation - in the information conveyed by Maurice). But we understand that we (still) have these rooms reserved for the indicated time frames. At this point, I can confirm that Shalini Vajjhala will be traveling in place of Walker Smith. So Shalini's name should be substituted for Walker's. I also understand that Maurice will need a room for 2 weeks at the Crown Plaza. So, OAR would like him (Maurice) to occupy the room that is currently set aside for Jackie Krieger (week 1) and Lisa Heinzerling (week 2). With this attachment, we are making (separate) arrangements for Lisa Heinzerling for week 2.

Thanks again for your help! After today the Point of Contact for EPA will be Laura Sauls (copied on this email).

All the best,

Joe

[attachment "COP15DEC2009lodgingadditions.doc" deleted by Richard Windsor/DC/USEPA/US]

Joe Ferrante  
Senior Advisor, International Negotiations Program  
Office of Global Affairs and Policy  
Office of International Affairs  
U.S. EPA

(202) 564-6558 (Phone)  
(202) 565-2918 (Fax)  
Email: ferrante.joe@epa.gov

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Gina McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA[]; N=Seth Oster/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Gina McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA[]; N=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Gina McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA[]; N=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Gina McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA[]; N=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA[]; N=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=David McIntosh/OU=DC/O=USEPA/C=US  
**Sent:** Tue 9/29/2009 5:15:45 PM  
**Subject:** the Boxer-Kerry climate bill

Administrator: Senators Boxer and Kerry almost certainly will release their proposed climate bill tomorrow (Wednesday), at a press conference here in DC. I'll let you know the precise timing of their press conference when I learn of it, so that you will know when you might start receiving questions about it in California. Earlier today, Carbon Control News posted a leaked copy of a version of the Boxer-Kerry bill. That document almost certainly is not the final version, though. Neither Boxer's staff nor Kerry's staff has ever sent me or anyone else at EPA a complete draft of their bill (or even a draft of any large chunk of the bill). Kerry's staff told me last night that they were still wrestling to make some fairly significant decisions. I would not be surprised if we at EPA do not see a final, official version of the Boxer-Kerry bill until very shortly before tomorrow's press conference. So I think it would be fine tomorrow for you to answer any questions about the bill as follows:

- \* The bill was only just released, and it is hundreds of pages long. It will take some time for us to complete a careful review.
- \* But I congratulate and commend Senators Boxer and Kerry for releasing a bill.
- \* It marks the start of the Senate's effort to pass a clean energy and climate bill that can be reconciled with the one the House passed this spring and then signed into law by the President.
- \* The President and I very much want to see comprehensive federal legislation that puts America in the lead of the growing global market for clean-energy technologies, and that in the process protects our children and grandchildren from harmful greenhouse-gas pollution.
- \* Senators Boxer and Kerry have taken an important step toward that goal today. Again, I commend them for it.

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Gina McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA[]; N=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Gina McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA[]; N=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Gina McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA[]; N=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Gina McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA[]; N=Gina McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA[]; N=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA[]; N=Seth Oster/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=David McIntosh/OU=DC/O=USEPA/C=US  
**Sent:** Tue 9/29/2009 7:42:30 PM  
**Subject:** Re: the Boxer-Kerry climate bill

The Boxer-Kerry press conference will be at 11:30 tomorrow DC time (8:30 CA time). Before 8:00 tomorrow, I'll have forwarded to you some recommended White House talking points about the Boxer-Kerry bill. Carol Browner said in a meeting just now that the President will be putting out a statement tomorrow about the bill introduction.

**From:** David McIntosh/DC/USEPA/US  
**To:** Richard Windsor/DC/USEPA/US@EPA  
**Cc:** Eric Wachter/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Allyn Brooks-LaSure/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA  
**Date:** 09/29/2009 01:15 PM  
**Subject:** the Boxer-Kerry climate bill

Administrator: Senators Boxer and Kerry almost certainly will release their proposed climate bill tomorrow (Wednesday), at a press conference here in DC. I'll let you know the precise timing of their press conference when I learn of it, so that you will know when you might start receiving questions about it in California. Earlier today, Carbon Control News posted a leaked copy of a version of the Boxer-Kerry bill. That document almost certainly is not the final version, though. Neither Boxer's staff nor Kerry's staff has ever sent me or anyone else at EPA a complete draft of their bill (or even a draft of any large chunk of the bill). Kerry's staff told me last night that they were still wrestling to make some fairly significant decisions. I would not be surprised if we at EPA do not see a final, official version of the Boxer-Kerry bill until very shortly before tomorrow's press conference. So I think it would be fine tomorrow for you to answer any questions about the bill as follows:

\* The bill was only just released, and it is hundreds of pages long. It will take some time for us to complete a careful review.

\* But I congratulate and commend Senators Boxer and Kerry for releasing a bill.

\* It marks the start of the Senate's effort to pass a clean energy and climate bill that can be reconciled with the one the House passed this spring and then signed into law by the President.

\* The President and I very much want to see comprehensive federal legislation that puts America in the lead of the growing global market for clean-energy technologies, and that in the process protects our children and grandchildren from harmful greenhouse-gas pollution.

\* Senators Boxer and Kerry have taken an important step toward that goal today. Again, I commend them for it.

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA;CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA[]; N=Eric Wachter/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Michael Moats/OU=DC/O=USEPA/C=US  
**Sent:** Tue 9/29/2009 8:06:08 PM  
**Subject:** ACTION Climate draft  
20090930 Climate Summit (6).doc

Administrator, climate summit draft attached for your review. Thanks.

Mike

-----  
Michael Moats  
Speechwriter  
US EPA | Office of the Administrator  
Office: 202-564-1687  
Mobile Personal Privacy



**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Betsaida Alcantara/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Brendan Gilfillan/OU=DC/O=USEPA/C=US@EPA;CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA[]; N=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Betsaida Alcantara/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Brendan Gilfillan/OU=DC/O=USEPA/C=US@EPA;CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA[]; N=Betsaida Alcantara/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Brendan Gilfillan/OU=DC/O=USEPA/C=US@EPA;CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA[]; N=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Brendan Gilfillan/OU=DC/O=USEPA/C=US@EPA;CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA[]; N=Brendan Gilfillan/OU=DC/O=USEPA/C=US@EPA;CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA[]; N=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA[]; N=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA[]; N=Seth Oster/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Adora Andy/OU=DC/O=USEPA/C=US  
**Sent:** Tue 9/29/2009 8:15:20 PM  
**Subject:** Re: AK Dispatch: Lisa v Lisa: Why my Lisa is right  
[AndrewHalcro.com](http://AndrewHalcro.com)

Ha! I know, right?

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
[andy.adora@epa.gov](mailto:andy.adora@epa.gov)

**From:** Richard Windsor/DC/USEPA/US  
**To:** Adora Andy/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Allyn Brooks-LaSure/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA  
**Cc:** Betsaida Alcantara/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA  
**Date:** 09/29/2009 04:14 PM  
**Subject:** Re: AK Dispatch: Lisa v Lisa: Why my Lisa is right

Whatever - I am nobody's Lisa. (smiles)

----- Original Message -----

From: Adora Andy

Sent: 09/29/2009 03:33 PM EDT

To: Richard Windsor; Seth Oster; Allyn Brooks-LaSure; Bob Sussman; David McIntosh; Lisa Heinzerling

Cc: Betsaida Alcantara; Brendan Gilfillan; Arvin Ganesan

Subject: AK Dispatch: Lisa v Lisa: Why my Lisa is right

ALASKA DISPATCH: TALK OF THE TUNDRA

Lisa vs. Lisa: why my Lisa is right

Andrew Halcro

Sep 29, 2009

Editor's note:

Andrew Halcro is running against incumbent U.S. Rep. Don Young in the 2010 Republican primary.

Much has been written over the last two weeks about Alaska Senator Lisa Murkowski's showdown with the head of the Environmental Protection Agency, Lisa Jackson.

With all the back room dealing and arm twisting that was deployed in order to pass the the current cap-and-trade bill through the House, the legislation has more loopholes than Glenn Beck's mental health.

The bill has stalled in the Senate because even some Democrats are worried about exacerbating an already weak economic recovery where the nation's unemployment is at a 26 year high with no signs of reversal.

But that hasn't stopped the Environmental Protection Agency from trying to impose the same rules by essentially re-writing the Clean Air Act's statutory language by bureaucratic fiat.

In response to a 2006 Supreme Court case that ruled the EPA had the authority to regulate CO2 from mobile sources, the EPA's Jackson is moving to regulate both mobile and stationary sources like power plants and industrial facilities.

In response, Murkowski, who is the ranking member of the Energy and Natural Resources Committee, proposed an amendment to the fiscal 2010 Interior and environment appropriations bill that would allow EPA to regulate greenhouse gas emissions only from mobile sources as per the court's ruling.

"Senator Murkowski is concerned about the economic consequences of EPA command-and-control regulation of emissions," said Murkowski spokesman Robert Dillon.

Advocates of the cap-and-trade bill argue that if the Supreme Court ruled that regulating mobile sources was acceptable, then certainly they meant that stationary sources also fell under that ruling.

In an editorial in this morning's Anchorage Daily News they argued this very point. "It's interesting that Sen.

Murkowski's failed measure would have let EPA continue work on new anti-pollution rules for greenhouse gases from vehicles. A molecule of greenhouse gas is the same whether it comes from a vehicle or a power plant."

Currently, the statutory language of the Clean Air Act explicitly requires the EPA to regulate sources that emit more than 250 tons of a given air pollutant annually.

But this is a very low limit for CO2, and so would capture schools, hospitals, farms, malls, restaurants, large office buildings and many others. To exempt these sources, the EPA's proposal would unilaterally increase the rule for greenhouse gases from 250 tons to 25,000 tons.

However the decision by the Supreme Court never gave the EPA the ability to play favorites when it came to enforcing CO2 emissions.

This is why so many public policies that are rushed through without thought, cause uncertainty and unnecessary litigation.

And it's one of the reasons my Lisa is right.

If proponents argue that the Supreme Court decision of 2006 makes no distinction between the EPA's ability to regulate mobile and stationary sources, why would they believe the court would allow the EPA to make a distinction about who has to comply, while allowing the EPA to draw their own lines?  
How long before environmental interests sue the Federal Government demanding they enforce the 250 ton limit as stated in the Clean Air Act, thereby forcing schools, hospitals, farms and everyone else into compliance.  
This is a cynical back door attempt by the EPA, which if successful will spawn lawsuits and higher costs without the benefit of legislative accountability.

Andrew

Halcro

is running against incumbent U.S. Rep. Don Young in the 2010 Republican primary.

Halcro

is the publisher of

AndrewHalcro

.com

, a blog devoted to Alaska issues and politics. He is president of Avis/Alaska, his family business.

Halcro

served in the Alaska House of Representatives from 1999 to 2003, and he ran for governor in 2006 as an independent. He and Democrat Tony Knowles lost to a woman named Sarah Palin

.

Adora Andy

Press Secretary

U.S. Environmental Protection Agency

Office of Public Affairs

202-564-2715

andy.adora@epa.gov

**To:** "LPJ" [windsor.richard@epa.gov]  
**From:** CN=Sarah Dale/OU=DC/O=USEPA/C=US  
**Sent:** Wed 9/30/2009 2:13:25 AM  
**Subject:** Fw: Seating arrangement

FYI.

PS you are rockin it out there!!!!!!!!!! Great f'ing job!!!!!!

----- Original Message -----

From: Clay Diette  
Sent: 09/29/2009 10:11 PM EDT  
To: Eric Wachter; Seth Oster; "Sarah Dale" <dale.sarah@epa.gov>  
Subject: Seating arrangement  
To LPJ right: state assembly man Felipe Fuentes

To LPJ left: state senator Fran Pavley

Straight across is Bill Reilly

From the head of the table entrance side with backs to the wall.

Felicia Marcus  
Joe sciortino  
Steve owens  
Sunil paul  
Greg dalton  
Bill reilly  
Andrian fernandez-bremauntz  
Hal harvey  
Raul bocanegra  
Seth oster

Other head of table far side, carl Pope to his left. Eyes facing the doors.

Buddy burke  
Mr. Jackson  
Amy lyons  
Laura yoshii  
Felipe Fuentes  
LPJ  
Fran Pavley  
Eric heitz  
Steve kline  
Eric wachter. First seat next to Flecia Marcus with eyes toward door

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=Marcus McClendon/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Katharine Gage/OU=DC/O=USEPA/C=US@EPA;CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA[];  
N=Seth Oster/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Katharine Gage/OU=DC/O=USEPA/C=US@EPA;CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA[];  
N=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Katharine Gage/OU=DC/O=USEPA/C=US@EPA;CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA[];  
N=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Katharine Gage/OU=DC/O=USEPA/C=US@EPA;CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA[];  
N=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Katharine Gage/OU=DC/O=USEPA/C=US@EPA;CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA[];  
N=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Katharine Gage/OU=DC/O=USEPA/C=US@EPA;CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA[];  
N=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Katharine Gage/OU=DC/O=USEPA/C=US@EPA;CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA[];  
N=Katharine Gage/OU=DC/O=USEPA/C=US@EPA;CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA[]; N=Eric Wachter/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=David McIntosh/OU=DC/O=USEPA/C=US  
**Sent:** Wed 9/30/2009 2:42:36 PM  
**Subject:** Q&A stemming from Boxer-Kerry bill introduction  
QUESTION.doc

Administrator: Proposed Q&A are pasted below (an identical document is attached). The White House is being very slow in issuing its recommended Q&A, so these are mine. I'm certain the White House would be fine with these. Marcus has volunteered to print these out for you.

**Deliberative**

**Deliberative**

**Deliberative**

**Deliberative**



**Deliberative**

**To:** "Mcintosh, David" [mcintosh.david@epa.gov]; Heinzerling, Lisa" [Heinzerling.Lisa@epamail.epa.gov]; Windsor, Richard" [Windsor.richard@epa.gov]; Oster, Seth" [oster.seth@epa.gov]; Andy, Adora" [andy.adora@epa.gov]; Thompson, Diane" [thompson.diane@epa.gov]; Sussman, Bob" [sussman.bob@epa.gov]; Fulton, Scott" [fulton.scott@epa.gov]; N=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Sarah Pallone/OU=DC/O=USEPA/C=US@EPA;"Perciasepe, Bob" [Perciasepe.Bob@epamail.epa.gov]; N=Sarah Pallone/OU=DC/O=USEPA/C=US@EPA;"Perciasepe, Bob" [Perciasepe.Bob@epamail.epa.gov]; Perciasepe, Bob" [Perciasepe.Bob@epamail.epa.gov]  
**From:** CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US  
**Sent:** Wed 9/30/2009 3:11:14 PM  
**Subject:** Fw: Q and A on Kerry Boxer  
[Proposed Guidance Kerry Boxer.docx](#)

MABL.

-----  
M. Allyn Brooks-LaSure  
Office of the Administrator  
U.S. Environmental Protection Agency  
Cell: Personal Privacy

From: "LaBolt, Benjamin" Personal Privacy  
Sent: 09/30/2009 11:08 AM AST  
To: "LaBolt, Benjamin" Personal Privacy "Glunz, Christine M."  
Personal Privacy <Dan.Leistikow@hq.doe.gov>; <Matt\_Lee-Ashley@ios.doi.gov>;  
Allyn Brooks-LaSure; "Levine, Jacob C." Personal Privacy "Zichal, Heather R."  
Personal Privacy "Betsy Hildebrandt" <Betsy\_Hildebrandt@ios.doi.gov>; "Weiss, Rick"  
Personal Privacy Seth Oster; Adora Andy; "Mather, Chris" <Chris.Mather@oc.usda.gov>;  
<Kendra\_Barkoff@ios.doi.gov>; "Kobren, Benjamin M" <KobrenBM@state.gov>;  
<justin.kenney@noaa.gov>; "Gilson, Shannon" <SGilson@doc.gov>; <Uzzell.Megan@dol.gov>; "Lehrich,  
Matthew A." Personal Privacy  
Subject: Q and A on Kerry Boxer

Attached. Also, we will have a statement from the President shortly on the bill, so pls hold comments until then. Thx.

**To:** CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]; N=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Katharine Gage/OU=DC/O=USEPA/C=US@EPA;CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA[]; N=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Katharine Gage/OU=DC/O=USEPA/C=US@EPA;CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA[]; N=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Katharine Gage/OU=DC/O=USEPA/C=US@EPA;CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA[]; N=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Katharine Gage/OU=DC/O=USEPA/C=US@EPA;CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA[]; N=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Katharine Gage/OU=DC/O=USEPA/C=US@EPA;CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA[]; N=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Katharine Gage/OU=DC/O=USEPA/C=US@EPA;CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA[]; N=Katharine Gage/OU=DC/O=USEPA/C=US@EPA;CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA[]; N=Eric Wachter/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Marcus McClendon/OU=DC/O=USEPA/C=US  
**Sent:** Wed 9/30/2009 3:15:37 PM  
**Subject:** Re: Q&A stemming from Boxer-Kerry bill introduction

This has been printed and will be added to the Brief book. FYI

Marcus McClendon  
Director of Advance | U.S EPA  
Office of the Administrator  
202 564 0452 Office  
202 501 1480 Fax  

Personal Privacy

 Cell  
mcclendon.marcus@epa.gov

----- Original Message -----

From: David McIntosh  
Sent: 09/30/2009 10:42 AM EDT  
To: Richard Windsor  
Cc: Marcus McClendon; Seth Oster; Allyn Brooks-LaSure; Arvin Ganesan; Diane Thompson; Lisa Heinzerling; Robert Goulding; Katharine Gage; Eric Wachter  
Subject: Q&A stemming from Boxer-Kerry bill introduction  
Administrator: Proposed Q&A are pasted below (an identical document is attached). The White House is being very slow in issuing its recommended Q&A, so these are mine. I'm certain the White House would

be fine with these. Marcus has volunteered to print these out for you.

**Deliberative**

**Deliberative**

[attachment "QUESTION.doc" deleted by Marcus McClendon/DC/USEPA/US]

**To:** CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;"Andy, Adora" [andy.adora@epa.gov]; Andy, Adora" [andy.adora@epa.gov]; N=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;"Fulton, Scott" [fulton.scott@epa.gov]; Fulton, Scott" [fulton.scott@epa.gov]; Heinzerling, Lisa" [Heinzerling.Lisa@epamail.epa.gov]; McIntosh, David" [mcintosh.david@epa.gov]; Oster, Seth" [oster.seth@epa.gov]; Perciasepe, Bob" [Perciasepe.Bob@epamail.epa.gov]; N=Sarah Pallone/OU=DC/O=USEPA/C=US@EPA;"Sussman, Bob" [sussman.bob@epa.gov]; Sussman, Bob" [sussman.bob@epa.gov]; Thompson, Diane" [thompson.diane@epa.gov]; Windsor, Richard" [Windsor.richard@epa.gov]  
**Cc:** []  
**From:** CN=David McIntosh/OU=DC/O=USEPA/C=US  
**Sent:** Wed 9/30/2009 3:16:46 PM  
**Subject:** Re: Fw: Q and A on Kerry Boxer  
Proposed Guidance Kerry Boxer.docx

**Deliberative**

**From:** Allyn Brooks-LaSure/DC/USEPA/US  
**To:** "McIntosh, David" <mcintosh.david@epa.gov>, "Heinzerling, Lisa" <Heinzerling.Lisa@epamail.epa.gov>, "Windsor, Richard" <Windsor.richard@epa.gov>, "Oster, Seth" <oster.seth@epa.gov>, "Andy, Adora" <andy.adora@epa.gov>, "Thompson, Diane" <thompson.diane@epa.gov>, "Sussman, Bob" <sussman.bob@epa.gov>, "Fulton, Scott" <fulton.scott@epa.gov>, Arvin Ganesan/DC/USEPA/US@EPA, Sarah Pallone/DC/USEPA/US@EPA, "Perciasepe, Bob" <Perciasepe.Bob@epamail.epa.gov>  
**Date:** 09/30/2009 11:11 AM  
**Subject:** Fw: Q and A on Kerry Boxer

MABL.

-----  
M. Allyn Brooks-LaSure  
Office of the Administrator  
U.S. Environmental Protection Agency  
Cell: **Personal Privacy**

**From:** "LaBolt, Benjamin" **Personal Privacy**  
**Sent:** 09/30/2009 11:08 AM AST

To: "LaBolt, Benjamin" { **Personal Privacy** } "Glunz, Christine M."  
<Christine\_M\_Glunz@ceq.eop.gov>; <Dan.Leistikow@hq.doe.gov>; <Matt\_Lee-Ashley@ios.doi.gov>; Allyn Brooks-LaSure; "Levine, Jacob C." { **Personal Privacy** } "Zichal, Heather R."  
{ **Personal Privacy** } "Betsy Hildebrandt" <Betsy\_Hildebrandt@ios.doi.gov>; "Weiss, Rick"  
{ **Personal Privacy** } Seth Oster; Adora Andy; "Mather, Chris" <Chris.Mather@oc.usda.gov>;  
<Kendra\_Barkoff@ios.doi.gov>; "Kobren, Benjamin M" <KobrenBM@state.gov>; <justin.kenney@noaa.gov>;  
"Gilson, Shannon" <SGilson@doc.gov>; <Uzzell.Megan@dol.gov>; "Lehrich, Matthew A."  
{ **Personal Privacy** }  
Subject: Q and A on Kerry Boxer

Attached. Also, we will have a statement from the President shortly on the bill, so pls hold comments until then.  
Thx.

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=David McIntosh/OU=DC/O=USEPA/C=US  
**Sent:** Wed 9/30/2009 3:52:58 PM  
**Subject:** Re: Q&A stemming from Boxer-Kerry bill introduction

# Deliberative

**From:** Richard Windsor/DC/USEPA/US  
**To:** David McIntosh/DC/USEPA/US@EPA  
**Date:** 09/30/2009 11:48 AM  
**Subject:** Re: Q&A stemming from Boxer-Kerry bill introduction

Tx. I assume you have no prob with me acknowledging the repted dtrong role for EPA ib Boxer-Kerry and riffing about EPA expertise the way Vilsack does abt USDA. Right?

----- Original Message -----

**From:** David McIntosh  
**Sent:** 09/30/2009 10:42 AM EDT  
**To:** Richard Windsor  
**Cc:** Marcus McClendon; Seth Oster; Allyn Brooks-LaSure; Arvin Ganesan; Diane Thompson; Lisa Heinzerling; Robert Goulding; Katharine Gage; Eric Wachter  
**Subject:** Q&A stemming from Boxer-Kerry bill introduction  
**Administrator:** Proposed Q&A are pasted below (an identical document is attached). The White House is being very slow in issuing its recommended Q&A, so these are mine. I'm certain the White House would be fine with these. Marcus has volunteered to print these out for you.

**Deliberative**



**Deliberative**

**Deliberative**

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Bob  
Sussman/OU=DC/O=USEPA/C=US@EPA;CN=David  
McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Bob  
Perciaspe/OU=DC/O=USEPA/C=US@EPA;CN=Scott  
Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Lisa  
Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Arvin  
Ganesan/OU=DC/O=USEPA/C=US@EPA[]; N=Bob  
Sussman/OU=DC/O=USEPA/C=US@EPA;CN=David  
McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Bob  
Perciaspe/OU=DC/O=USEPA/C=US@EPA;CN=Scott  
Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Lisa  
Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Arvin  
Ganesan/OU=DC/O=USEPA/C=US@EPA[]; N=David  
McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Bob  
Perciaspe/OU=DC/O=USEPA/C=US@EPA;CN=Scott  
Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Lisa  
Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Arvin  
Ganesan/OU=DC/O=USEPA/C=US@EPA[]; N=Bob  
Perciaspe/OU=DC/O=USEPA/C=US@EPA;CN=Scott  
Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Lisa  
Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Arvin  
Ganesan/OU=DC/O=USEPA/C=US@EPA[]; N=Scott  
Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Lisa  
Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Arvin  
Ganesan/OU=DC/O=USEPA/C=US@EPA[]; N=Lisa  
Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Arvin  
Ganesan/OU=DC/O=USEPA/C=US@EPA[]; N=Arvin  
Ganesan/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA;CN=Adora  
Andy/OU=DC/O=USEPA/C=US@EPA[]; N=Adora Andy/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US  
**Sent:** Wed 9/30/2009 4:03:11 PM  
**Subject:** Fw: Statement from the President on the Clean Energy Jobs and American Power Act

-----  
M. Allyn Brooks-LaSure | Deputy Associate Administrator for Public Affairs

U.S. Environmental Protection Agency | Office of the Administrator

Phone: 202-564-8368 | Email: brooks-lasure.allyn@epa.gov

----- Forwarded by Allyn Brooks-LaSure/DC/USEPA/US on 09/30/2009 12:02 PM -----

From: "White House Press Office" <whitehouse-lists-noreply@list.whitehouse.gov>  
To: Allyn Brooks-LaSure/DC/USEPA/US@EPA  
Date: 09/30/2009 12:01 PM  
Subject: Statement from the President on the Clean Energy Jobs and American Power Act

THE WHITE HOUSE  
Office of the Press Secretary

---

FOR IMMEDIATE RELEASE  
September 30, 2009

Statement from the President on the Clean Energy Jobs and American Power Act

"I applaud Chairmen Kerry and Boxer for their leadership on comprehensive energy reform. With the draft legislation they are announcing today, we are one step closer to putting America in control of our energy future and making America more energy independent. My Administration is deeply committed to passing a bill that creates new American jobs and the clean energy incentives that foster innovation. I commend Senators Boxer and Kerry for their work and look forward to signing comprehensive energy legislation that addresses this urgent challenge."

##

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=David McIntosh/OU=DC/O=USEPA/C=US  
**Sent:** Wed 9/30/2009 4:04:28 PM  
**Subject:** Re: Q&A stemming from Boxer-Kerry bill introduction

Just a minute ago he issued this: "I applaud Chairmen Kerry and Boxer for their leadership on comprehensive energy reform. With the draft legislation they are announcing today, we are one step closer to putting America in control of our energy future and making America more energy independent. My Administration is deeply committed to passing a bill that creates new American jobs and the clean energy incentives that foster innovation. I commend Senators Boxer and Kerry for their work and look forward to signing comprehensive energy legislation that addresses this urgent challenge."

**From:** Richard Windsor/DC/USEPA/US  
**To:** David McIntosh/DC/USEPA/US@EPA  
**Date:** 09/30/2009 12:02 PM  
**Subject:** Re: Q&A stemming from Boxer-Kerry bill introduction

Still no staement from POTUS huh?

----- Original Message -----

**From:** David McIntosh  
**Sent:** 09/30/2009 11:52 AM EDT  
**To:** Richard Windsor  
**Subject:** Re: Q&A stemming from Boxer-Kerry bill introduction

# Deliberative

**From:** Richard Windsor/DC/USEPA/US  
**To:** David McIntosh/DC/USEPA/US@EPA  
**Date:** 09/30/2009 11:48 AM  
**Subject:** Re: Q&A stemming from Boxer-Kerry bill introduction

Tx. I assume you have no prob with me acknwoldegng the repted dtrong role for EPA ib Boxer-Kerry and riffing about EPA expertise the way Vilsack does abt USDA. Right?

----- Original Message -----

**From:** David McIntosh  
**Sent:** 09/30/2009 10:42 AM EDT  
**To:** Richard Windsor

Cc: Marcus McClendon; Seth Oster; Allyn Brooks-LaSure; Arvin Ganesan; Diane Thompson; Lisa Heinzerling; Robert Goulding; Katharine Gage; Eric Wachter

Subject: Q&A stemming from Boxer-Kerry bill introduction

Administrator: Proposed Q&A are pasted below (an identical document is attached). The White House is being very slow in issuing its recommended Q&A, so these are mine. I'm certain the White House would be fine with these. Marcus has volunteered to print these out for you.

QUESTION: On the same day that Senators Boxer and Kerry introduce legislation to reduce greenhouse-gas emissions, you propose to regulate those emissions under the existing Clean Air Act. Aren't those two things contradictory? Aren't you undercutting the legislative effort? Or are your proposed regulations intended to scare industry to the legislative negotiating table, where they might get more flexibility and more concessions?

RESPONSE: I want Congress to send to the President's desk a bill that puts American industry at the lead of the growing global market in clean-energy technologies, and that in the process reduces the greenhouse-gas pollution that threatens our children and grandchildren. Introduction of the Boxer-Kerry bill is an important step in the journey to the President's desk. I am proposing regulations because the United States Supreme Court ordered EPA to act two-and-a-half years ago, and because we cannot afford to wait any longer to start addressing this urgent problem. The purpose of the rule I proposed today is to ensure that the steps we take now to address greenhouse-gas pollution will be targeted.

QUESTION: But if you really expected Congress to enact a bill this year, you wouldn't now be rolling out proposed regulations that would not be finalized until next year, would you?

RESPONSE: That's not the case. The steps that EPA is starting to take now under the Clean Air Act happen also to be the kind of homework that EPA needs to be doing in order to be ready to start implementing a new law as soon as Congress enacts one. These steps are consistent with Congress coming in at any time – hopefully very soon – with comprehensive new legislation. And let me be clear: I want Congress to send to the President's desk a bill that puts American industry at the lead of the growing global market in clean-energy technologies, and that in the process reduces the greenhouse-gas pollution that threatens our children and grandchildren.

QUESTION: Does the Administration support the Kerry-Boxer bill?

RESPONSE: The Administration strongly supports what Senators Kerry and Boxer are doing, which is jump-starting the discussion on the importance of clean energy to the future for the country. It takes courage and leadership to author a comprehensive bill on a transformative subject and to put it out there with your name on it. Their efforts add to the work that the Energy Committee has already accomplished, under the leadership of Chairman Bingaman and Ranking Member Murkowski. The Administration looks forward to working with all interested members of the Senate to bring to the President's desk a bill that puts American industry at the lead of the growing global market in clean-energy technologies, and that in the process reduces the greenhouse-gas pollution that threatens our children and grandchildren.

QUESTION: Do you support the year-2020 emissions cap in the Boxer-Kerry bill, which is tighter (20% below the 2005 level, versus 17% below) than in the House-passed bill?

RESPONSE: What I support is the Senate passing a bill with a strong 2020 cap. The introduced Boxer-Kerry bill is the start of a Senate negotiation, and I do not want to destabilize that negotiation by fixating right now on a number that is 3 percentage-points higher or 3 percentage-points lower than someone else's number. I want Congress to send to the President's desk a bill that puts American industry at the lead of the growing global market in clean-energy technologies, and that in the process reduces the greenhouse-gas pollution that threatens our children and grandchildren. Introduction of the Boxer-Kerry bill is an important step in the journey to the President's desk.

QUESTION: The Boxer-Kerry bill preserves EPA's power to use all current Clean Air Act programs to issue

greenhouse-gas command-and-control regulations, even for sources that are subject to the bill's emissions caps. That's a change from the House-passed bill, which prohibited EPA from using a lot of those existing Clean Air Act programs for greenhouse-gas emissions once the cap-and-trade system is in place. Do you support the Boxer-Kerry approach or the House-passed approach?

RESPONSE: EPA received its first advance copy of the Boxer-Kerry bill at 1:00 this morning. It is more than 800 pages long. At this stage, I can't even verify that the details of the Boxer-Kerry bill actually line up with the way they are being described. We need some time to review the document. And I think it is important for everyone to know that this is the first draft of a bill that will go through many revisions before it the full Senate votes on it. I want Congress to send to the President's desk a bill that puts American industry at the lead of the growing global market in clean-energy technologies, and that in the process reduces the greenhouse-gas pollution that threatens our children and grandchildren. Introduction of the Boxer-Kerry bill is an important step in the journey to the President's desk.

QUESTION: On implementation of the domestic offsets program, the Boxer-Kerry bill seems to move the needle sharply back in the direction of EPA, whereas in the House-passed bill that needle was very far in the direction of USDA. Do you support the Boxer-Kerry language?

ANSWER: EPA received its first advance copy of the Boxer-Kerry bill at 1:00 this morning. It is more than 800 pages long. At this stage, I can't even verify that the details of the Boxer-Kerry bill actually line up with the way they are being described. We need some time to review the document. And I think it is important for everyone to know that this is the first draft of a bill that will go through many revisions before it the full Senate votes on it. I want Congress to send to the President's desk a bill that puts American industry at the lead of the growing global market in clean-energy technologies, and that in the process reduces the greenhouse-gas pollution that threatens our children and grandchildren. Introduction of the Boxer-Kerry bill is an important step in the journey to the President's desk.

QUESTION: Will the President attend Copenhagen in December?

RESPONSE: I don't know. My understanding is that no decision about the President's attendance has been made at this time.

QUESTION: The international community appears frustrated at a lack of progress in the U.S. on passing climate legislation. What will the Administration bring to Copenhagen in December?

RESPONSE: We'll know in December. Today it's still September.

[attachment "QUESTION.doc" deleted by Richard Windsor/DC/USEPA/US]

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=Aaron Dickerson/OU=DC/O=USEPA/C=US@EPA;CN=Eric  
Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Robert  
Goulding/OU=DC/O=USEPA/C=US@EPA[]; N=Eric  
Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Robert  
Goulding/OU=DC/O=USEPA/C=US@EPA[]; N=Robert  
Goulding/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Diane Thompson/OU=DC/O=USEPA/C=US  
**Sent:** Wed 9/30/2009 4:28:39 PM  
**Subject:** Fw: Talking Points: The Cost of Inaction // Patient Centered Health Research

FYI

\*\*\*\*\*

Diane E. Thompson  
Chief of Staff  
U. S. Environmental Protection Agency  
202-564-6999  
----- Forwarded by Diane Thompson/DC/USEPA/US on 09/30/2009 12:27 PM -----

From: "Milakofsky, Benjamin E." {**Personal Privacy**}  
To: "Lu, Christopher P." {**Personal Privacy**} "Smith, Elizabeth S."  
<{**Personal Privacy**} "Kimball, Astri B." {**Personal Privacy**} "Hurlbut,  
Brandon K." {**Personal Privacy**} "French, Michael J."  
{**Personal Privacy**} "Taylor, Adam R." <{**Personal Privacy**} "Milakofsky,  
Benjamin E." {**Personal Privacy**}  
Date: 09/30/2009 12:17 PM  
Subject: Talking Points: The Cost of Inaction // Patient Centered Health Research

Dear Chiefs of Staff:

Please see the below talking points on health insurance reform.

--Cabinet Affairs

#### Talking Points: New Report – The Cost of Inaction

- Even as we continue to debate exactly what health insurance reform will look like in its final form, it's critical to remember one thing: doing nothing is not an option. The cost of inaction is too high.
- A new report out today from the Robert Wood Johnson foundation underscores that cost.
- It finds that "if federal reform efforts fail, over the next decade in every state, the number of uninsured will increase, employer-sponsored coverage will continue to erode, spending on public programs will balloon and individual and family out-of-pocket costs could increase by more than 35 percent."
- Under even the best case scenario, their analysis predicts a tremendous economic strain on individuals and businesses in all 50 states and the District of Columbia if reform is not enacted.
- And in the worst case scenario the results would be absolutely devastating:



- o In 29 states, the number of people without insurance would increase by more than 30 percent.
- § The number of uninsured could grow by at least 10 percent in every state. All told, the number of uninsured Americans would reach 65.7 million.
- o Individual and family spending would increase significantly—from \$326.4 billion in 2009 to \$548.4 billion in 2019.
- § Individual and family out-of-pocket costs would increase by more than 35 percent in every state
- o Businesses would see their premiums continue to increase – more than doubling in 27 states.
- § Even under the best case scenario, employers in nearly every state would see premium costs increase by more than 60 percent.
- o Every state would see employer-sponsored coverage continue to erode, and half would see the number of people with employer sponsored coverage fall by more than 10 percent.

#### Talking Points: Patient Centered Health Research

- Health care is a complicated subject and sometimes it's easy to get confused by terms we haven't heard before – like the “comparative effectiveness research” being debated on Capitol Hill today.
- But when you get past the jargon, the idea here is really quite simple: Patient centered health research gives doctors and patients the best medical information to help them make the best decisions.
  - o To facilitate higher-quality health care, this research pulls together the evidence on treatments available for a given medical condition and summarizes the risks and benefits of various options to help doctors and patients choose the treatment that's best for their individual needs.
- This research expands choices for patients.
- Right now, less than one percent of our health care spending goes to examining what treatments are most effective.
  - o And even when that information finds its way into journals, it can take up to 17 years to find its way to an exam room or operating table.
  - o Don't you want your doctor to have more information, not less?
- The research will never be used to ration care or dictate medical decisions – it simply provides medical research.
  - o In fact, the objective medical research actually empowers doctors and patients and helps them fight insurance company decisions to deny treatment and ration care.
- Many physician and patient groups recognize that this research is important and support it.
- Opposing this research keeps doctors and patients in the dark and strengthens insurance companies at the expense of doctors and patients.

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Adora Andy/OU=DC/O=USEPA/C=US  
**Sent:** Wed 9/30/2009 10:18:59 PM  
**Subject:** FYI: LISA H. in Newsweek  
Lisa Heinzerling  
convincing the Senate

From their "Who Really Runs Washington" feature: <http://www.newsweek.com/id/216463/page/2>

Lisa Heinzerling, the former Georgetown law professor, is the Obama Environmental Protection Agency's leading voice on climate change. Heinzerling is best known for her leading role in helping the state of Massachusetts prosecute a successful 2007 Supreme Court case obligating the EPA to regulate greenhouse gases that could cause global warming. Though the Bush EPA dragged its feet on implementing new rules, within months of Heinzerling's arrival on her new job, greenhouse gases were officially declared a public-health hazard. Next up: convincing the Senate, already weary of the health-care-reform fight, to approve a controversial cap-and-trade program.

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
[andy.adora@epa.gov](mailto:andy.adora@epa.gov)

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=David McIntosh/OU=DC/O=USEPA/C=US  
**Sent:** Thur 10/1/2009 12:23:27 PM  
**Subject:** Doniger on Chamber's Hostage-Taking Attempt  
[Blog](#)  
[About](#)  
[Solving Global Warming](#)  
[announced plans](#)  
[said](#)  
[landmark ruling](#)  
[clean car peace treaty](#)  
[big boys say](#)  
[Drevna said](#)  
[\(embedded image\)](#)

It's Hard To Hide An Oil Refinery Behind a Donut Shop

David Doniger  
Policy Director, NRDC Climate Center, Washington, D.C.  
[Blog](#) | [About](#)

Posted September 30, 2009 in [Solving Global Warming](#)

Today the Environmental Protection Agency announced plans to curb carbon pollution from big power plants and other big polluters under the Clean Air Act, while at the same time assuring the millions of mom and pop businesses across the country that they have nothing to worry about.

"By using the power and authority of the Clean Air Act," said EPA administrator Lisa Jackson, speaking at the Governors Climate Summit in Los Angeles, "we can begin reducing emissions from the nation's largest greenhouse gas emitting facilities without placing an undue burden on the businesses that make up the vast majority of our economy." She added: "The corner coffee shop is not a meaningful place to look for carbon reductions."

What's going on here? Well, two years ago, the Supreme Court issued a landmark ruling that EPA has the authority and responsibility to use the existing Clean Air Act to cut dangerous global warming pollution. And under President Obama, EPA is starting act. Under the clean car peace treaty unveiled in the Rose Garden last March, Administrator Jackson has proposed nationwide global warming pollution standards for new cars and trucks, modeled on California's path-breaking standards. And EPA is working on carbon limits for big power plants, oil refineries, cement plants, and other big factories responsible for most of our heat-trapping pollution.

In a fairly desperate reaction, some of America's biggest polluters - led by the U.S. Chamber of Commerce, the National Petroleum Refiners Association (NPRA), and others - are trying to scare America's small businesses owners into thinking it's them that the EPA is after.

If they force me to curb my pollution, the big boys say, they'll come after schools, homes, and hot dog stands. No one is safe, they shout. Be afraid. Be very afraid.

But it's hard to hide an oil refinery behind a donut shop.

So what is EPA really doing?

Well, when EPA issues its final clean car standards next March, certain other things happen automatically under the Clean Air Act. The most important is that when companies build or expand big pollution sources -- power plants, oil refineries, or cement kilns, for example -- they will have to install the "best available control technology" (BACT) for carbon dioxide and the other global warming pollutants. This is nothing fancy. It's what they've done for years for other dangerous pollutants like sulfur dioxide.

EPA is proposing to set "thresholds" - carbon pollution levels that separate big sources that will have to meet these requirements from small ones that will not.

This is a common sense concept that NRDC and other environmental groups proposed a more than a year

ago.

But along come lawyers and spokesmen for the big boys arguing that EPA can't do that. If you regulate any of us, you have to regulate all of us, down to the donut shop.

It's hostage taking. We're gonna take everyone down with us. Listen to Charles Drevna, of the National Petroleum Refiners Association:

"This proposal incorrectly assumes that one industry's greenhouse gas emissions are worse than another's," Drevna said. "Greenhouse gas emissions are global in nature, and are not isolated to a few select industries. The Clean Air Act stipulates unequivocally that the threshold to permit major sources is 250 tons for criteria pollutants. EPA lacks the legal authority to categorically exempt sources that exceed the Clean Air Act's major source threshold from permitting requirements, and this creates a troubling precedent for any agency actions in the future."

EPA argues that it can set a different threshold - it has proposed 25,000 tons of carbon dioxide - to recognize that each power plant or other big source emits roughly 100 times more carbon dioxide than conventional pollutants like sulfur dioxide. Accordingly, EPA says the proposed 25,000 ton threshold respects Congress's decisions about which big plants should have to install the best available control technology, and which small ones should not. Congress, EPA contends, never wanted to treat mom and pop shops the same as the big boys. In short, EPA argues that its new thresholds avoid absurd results and administrative nightmares.

The big boys' lawyers are getting ready to argue that EPA can't do this, that only Congress can change these threshold numbers. They claim the courts will strike EPA's rule down. But who'll bring that suit? It won't be NRDC or any of the other environmental groups active in this fight. And it's not clear that the big boys have "standing" - the kind of legal injury needed to take to take this complaint to court. And the courts themselves have recognized the doctrines of avoiding absurd results and administrative nightmares.

So I'm betting on EPA. And then, with small businesses safely shielded, the Chamber and NPRA will have no one to hide behind.

What's more likely is that Congress will clear this up well before the courts weigh in, by writing the EPA's thresholds into new comprehensive climate and energy legislation. That's an idea with support from both environmental organizations and responsible companies.

Maybe I'm a dreamer, but it's never too late for the Chamber and its allies to stop the scare-mongering and join the effort to pass this new legislation.



**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=David McIntosh/OU=DC/O=USEPA/C=US  
**Sent:** Thur 10/1/2009 12:46:20 PM  
**Subject:** Re: Doniger on Chamber's Hostage-Taking Attempt  
[Blog](#)  
[About](#)  
[Solving Global Warming](#)  
[announced plans](#)  
[said](#)  
[landmark ruling](#)  
[clean car peace treaty](#)  
[big boys say](#)  
[Drevna said](#)  
[\(embedded image\)](#)

Yes, I think that works. I think the second one works even better than the first.

**From:** Richard Windsor/DC/USEPA/US  
**To:** David McIntosh/DC/USEPA/US@EPA  
**Date:** 10/01/2009 08:43 AM  
**Subject:** Re: Doniger on Chamber's Hostage-Taking Attempt

V good. I was at a dinner last night and remarked that Doniger has been my pundit of choice on this issue.

I have to do CNBC this morning. I have been playing with the maternal approach.

"The reaction of the big boy beltway lobbyists reminds me of the foot-stomping temper tantrums my contrary 2 years sons would throw in the shopping mall when they were young. They couldn't be soothed. They just wanted to go home.

First, the Chamber and big oil whine that they know they need to reduce greenhouse gases but they just want to protect smaller businesses from having to do so. So EPA responds by agreeing to exempt small businesses. mid-size businesses, farms from any rules. But, instead of taking comfort, what do they do? They turn around and scream - well you can't just pick on us, you have to pick on everybody. Folks. These are oil refiners and their record profits. They can't just take their toys and go home."

----- Original Message -----

**From:** David McIntosh  
**Sent:** 10/01/2009 08:23 AM EDT  
**To:** Richard Windsor  
**Subject:** Doniger on Chamber's Hostage-Taking Attempt

It's Hard To Hide An Oil Refinery Behind a Donut Shop

David Doniger  
Policy Director, NRDC Climate Center, Washington, D.C.  
[Blog](#) | [About](#)  
Posted September 30, 2009 in [Solving Global Warming](#)

Today the Environmental Protection Agency announced plans to curb carbon pollution from big power plants and other big polluters under the Clean Air Act, while at the same time assuring the millions of mom and pop businesses across the country that they have nothing to worry about.

"By using the power and authority of the Clean Air Act," said EPA administrator Lisa Jackson, speaking at the Governors Climate Summit in Los Angeles, "we can begin reducing emissions from the nation's largest greenhouse gas emitting facilities without placing an undue burden on the businesses that make up the vast majority of our economy." She added: "The corner coffee shop is not a meaningful place to look for carbon reductions."

What's going on here? Well, two years ago, the Supreme Court issued a landmark ruling that EPA has the authority and responsibility to use the existing Clean Air Act to cut dangerous global warming pollution. And under President Obama, EPA is starting act. Under the clean car peace treaty unveiled in the Rose Garden last March, Administrator Jackson has proposed nationwide global warming pollution standards for new cars and trucks, modeled on California's path-breaking standards. And EPA is working on carbon limits for big power plants, oil refineries, cement plants, and other big factories responsible for most of our heat-trapping pollution.

In a fairly desperate reaction, some of America's biggest polluters - led by the U.S. Chamber of Commerce, the National Petroleum Refiners Association (NPRA), and others - are trying to scare America's small businesses owners into thinking it's them that the EPA is after.

If they force me to curb my pollution, the big boys say, they'll come after schools, homes, and hot dog stands. No one is safe, they shout. Be afraid. Be very afraid.

But it's hard to hide an oil refinery behind a donut shop.

So what is EPA really doing?

Well, when EPA issues its final clean car standards next March, certain other things happen automatically under the Clean Air Act. The most important is that when companies build or expand big pollution sources -- power plants, oil refineries, or cement kilns, for example -- they will have to install the "best available control technology" (BACT) for carbon dioxide and the other global warming pollutants. This is nothing fancy. It's what they've done for years for other dangerous pollutants like sulfur dioxide.

EPA is proposing to set "thresholds" - carbon pollution levels that separate big sources that will have to meet these requirements from small ones that will not.

This is a common sense concept that NRDC and other environmental groups proposed a more than a year ago.

But along come lawyers and spokesmen for the big boys arguing that EPA can't do that. If you regulate any of us, you have to regulate all of us, down to the donut shop.

It's hostage taking. We're gonna take everyone down with us. Listen to Charles Drevna, of the National Petroleum Refiners Association:

"This proposal incorrectly assumes that one industry's greenhouse gas emissions are worse than another's," Drevna said. "Greenhouse gas emissions are global in nature, and are not isolated to a few select industries. The Clean Air Act stipulates unequivocally that the threshold to permit major sources is 250 tons for criteria pollutants. EPA lacks the legal authority to categorically exempt sources that exceed the Clean Air Act's major source threshold from permitting requirements, and this creates a troubling precedent for any agency actions in the future."

EPA argues that it can set a different threshold - it has proposed 25,000 tons of carbon dioxide - to recognize that each power plant or other big source emits roughly 100 times more carbon dioxide than conventional pollutants like sulfur dioxide. Accordingly, EPA says the proposed 25,000 ton threshold respects Congress's decisions about which big plants should have to install the best available control technology, and which small ones should not. Congress, EPA contends, never wanted to treat mom and pop shops the same as the big boys. In short, EPA argues that its new thresholds avoid absurd results and administrative nightmares.

The big boys' lawyers are getting ready to argue that EPA can't do this, that only Congress can change these threshold numbers. They claim the courts will strike EPA's rule down. But who'll bring that suit? It won't be NRDC or any of the other environmental groups active in this fight. And it's not clear that the big boys have "standing" - the kind of legal injury needed to take to take this complaint to court. And the courts themselves have recognized the doctrines of avoiding absurd results and administrative nightmares.

So I'm betting on EPA. And then, with small businesses safely shielded, the Chamber and NPRA will have no one to hide behind.

What's more likely is that Congress will clear this up well before the courts weigh in, by writing the EPA's thresholds into new comprehensive climate and energy legislation. That's an idea with support from both

environmental organizations and responsible companies.

Maybe I'm a dreamer, but it's never too late for the Chamber and its allies to stop the scare-mongering and join the effort to pass this new legislation.





**To:** All EPA Employees[]  
**From:** Message from the Administrator  
**Sent:** Thur 10/1/2009 9:13:03 PM  
**Subject:** 2009 Equal Employment Opportunity Policy Statement  
[Visit the Agency's Intranet for More Information](#)

[All Hands Email-Archive](#)

[Hotspot](#)

\*\*\*\*\*

This message is being sent to all EPA Employees.  
Please do not reply to this mass mailing.

\*\*\*\*\*

[\(embedded image\)](#)

Visit the Agency's Intranet for More Information

All Hands Email-Archive

\*\*\*\*\*

This message is being sent to all EPA Employees.  
Please do not reply to this mass mailing.

\*\*\*\*\*

#### MEMORANDUM

**SUBJECT:** 2009 Equal Employment Opportunity Policy Statement

**FROM:** Administrator Lisa P. Jackson

**TO:** All EPA Employees

I believe that there is no higher calling than public service, and that there is no more important work in public service than the pursuit of civil equity. Our credibility and efficacy in the area of Equal Employment Opportunity is inextricably linked to our integrity and impartiality. In a sense, our capacity to protect human health and the natural environment depends on the protection of the workforce and the vindication of workforce rights, and we are duty bound to protect the rights of all employees, without bias or favoritism. To these ends, EPA must always strive to foster a work environment where the principles of EEO are willingly embraced and diversity is valued and understood.

Maintaining a world-class public service workforce requires strategic efforts to tap into the intellectual capital of our global economy. The 2000 Census shows major shifts in the demographic profile of the population we serve and the labor force from which we recruit. It is predicted that within the next 30 years, no single racial or ethnic group will comprise the majority of the nation's population. Clearly, changes associated with our increasingly pluralistic society bring concurrent opportunities and challenges.

#### Guiding Principle

EPA will be fully committed to the principles of EEO, equity, and diversity in the workplace and adhere to the policy of ensuring equal employment opportunity, prohibiting unlawful discrimination, retaliation and harassment in all its forms, and promoting diversity and inclusiveness.

#### Definitions

Equal Employment Opportunity refers to the set of laws and policies that mandate all individuals' rights to

equal opportunity in the workplace. The unequivocal protection of these fundamental civil rights in the workplace is the cornerstone of our American democracy and the foundation upon which diversity can thrive.

Diversity refers to the human qualities that are different from our own and those of groups to which we belong, but are manifested in other individuals and groups. Dimensions of diversity include but are not limited to: age, ethnicity, gender, physical abilities/qualities, race, sexual orientation, educational background, geographic location, socioeconomic status, marital status, military experience, religious beliefs, political beliefs and ideologies.

Diversity management, in contrast, is a proactive and appropriate response to the changing profile of our world. It is imperative that we recognize that in order to be relevant in the global economy of the 21st century, the Agency must recruit, develop and retain a world-class workforce that reflects the many dimensions of the society it serves. Based on the empirical correlation between workforce diversity and high-performing organizations, a strong business case can be made for diversity.

#### Affirmation

I wish to affirm that no employee will be denied equal opportunity because of race, color, religion, sex, national origin, age, disability, status as a parent, sexual orientation, marital status, protected genetic status or prior EEO activity (reprisal). Individually, and collectively as an Agency, we must:

- Ensure that all programs to recruit, hire, train, develop, promote, reward and discipline employees are conducted in a fair and consistent manner on the basis of merit. Each employee will be regarded fairly and treated with dignity and respect.

- Maintain a work environment free from unlawful discrimination, reprisal and harassment. To do otherwise is simply not an option. It is totally unacceptable and will not be tolerated. Managers and supervisors will continually be held accountable for their responsibility to identify and correct discriminatory policies, practices and behaviors and for taking prompt and appropriate action to ensure that the work environment is free of unlawful discrimination, reprisal and/or harassment.

  - Provide reasonable accommodations for qualified applicants and employees with disabilities.

- Seek to resolve workplace conflicts in a prompt, impartial, confidential, non-discriminatory and constructive manner without fear of reprisal. Every employee is encouraged to use the Alternative Dispute Resolution process as a valuable tool in resolving workplace disputes and complaints of discrimination, and, when appropriate, managers and supervisors shall fully participate in the ADR process.

- Educate managers, supervisors, and employees of their rights and responsibilities under federal law. Equal opportunity is good business and it is the law. I expect all managers, supervisors and employees to carry out their duties accordingly.

#### Conclusion

I expect EPA to continue to maintain policies that allow all employees to work in an environment that is free from discrimination, reprisal and harassment.

It is my vision that EEO and diversity management are separate but symbiotic functions essential to the success of EPA as a high-performing organization. Together, these functions create synergy and transform our organization into one in which the whole is greater than the sum of singular entities. We are strengthened by our diversity and empowered by our commitment to effective EEO.

Sincerely,  
Lisa P. Jackson

*EPA@Work*

**To:** windsor.richard@epa.gov[]  
**From:** CN=Seth Oster/OU=DC/O=USEPA/C=US  
**Sent:** Thur 10/1/2009 11:38:28 PM  
**Subject:** Fw: Statement by the President on Mahatma Gandhi's Birth Anniversary

But they're too busy to note the first meaningful step taken to control GHG.....

From: "White House Press Office" [whitehouse-lists-noreply@list.whitehouse.gov]  
Sent: 10/01/2009 07:31 PM AST  
To: Seth Oster  
Subject: Statement by the President on Mahatma Gandhi's Birth Anniversary

THE WHITE HOUSE

Office of the Press Secretary

---

FOR IMMEDIATE RELEASE

October 1, 2009

Statement by President Obama on  
Mahatma Gandhi's Birth Anniversary

On behalf of the American people, I want to express appreciation for the life and lessons of Mahatma Gandhi on the anniversary of his birth. This is an important moment to reflect on his message of non-violence, which continues to inspire people and political movements across the globe.

We join the people of India in celebrating this great soul who lived a life dedicated to the cause of advancing justice, showing tolerance to all, and creating change through non-violent resistance.

Americans owe an enormous measure of gratitude to the Mahatma. His teachings and ideals, shared with Dr. Martin Luther King Jr. on his 1959 pilgrimage to India, transformed American society through our civil rights movement. The America of today has its roots in the India of Mahatma Gandhi and the nonviolent social action movement for Indian independence which he led.

Tomorrow, as we remember the Mahatma on his birthday, we must renew our commitment to live his ideals and to celebrate the dignity of all human beings.

###

**To:** windsor.richard@epa.gov;thompson.diane@epa.gov;perciasepe.bob@epa.gov[];  
hompson.diane@epa.gov;perciasepe.bob@epa.gov[]; erciasepe.bob@epa.gov[]  
**Cc:** depass.michelle@epa.gov[]  
**From:** CN=Scott Fulton/OU=DC/O=USEPA/C=US  
**Sent:** Fri 10/2/2009 4:18:55 AM  
**Subject:** October travel

Hi Folks: I wanted to alert you to the possibility of my doing some travel in October. Knowing that Lisa will herself be on the road a fair amount, and that Bob P. may still not be in place as Deputy, I wanted to make sure you had this on your screen and had an opportunity to voice concerns if you feel that I shouldn't go.

Michelle DePass and I have been working through how best to transition and manage the policy level international work. There are 2 conflicting international events in October that warrant political engagement - the OECD Environmental Policy meeting and the US/China Ten Year Framework meetings in Beijing. Michelle will cover OECD. Given my relationship with the Chinese and, frankly, the difficulties that State is experiencing in the relationship, it would make sense for me to cover the China meetings. Because OGC has itself been doing some work in China on environmental law and institution building, I would also do some OGC work while there (with the law community and judges), and would try to advance the ball on the EPA/NDRC MOU as a possible deliverable for Lisa's November trip. There is also interest in having me do some work with the Asia Development Bank while in the Region to try to draw the Bank more fully into a funding role for EPA-driven capacity building work in the Region. Anyway, the trip would at a minimum have me out the week of Oct. 19, with some potential spill over to either the week before or the week after.

Scott

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA;CN=Adora  
Andy/OU=DC/O=USEPA/C=US@EPA;CN=Diane  
Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Bob  
Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Scott  
Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Craig  
Hooks/OU=DC/O=USEPA/C=US@EPA;CN=David  
McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Arvin  
Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Sarah Pallone/OU=DC/O=USEPA/C=US@EPA[];  
N=Adora Andy/OU=DC/O=USEPA/C=US@EPA;CN=Diane  
Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Bob  
Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Scott  
Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Craig  
Hooks/OU=DC/O=USEPA/C=US@EPA;CN=David  
McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Arvin  
Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Sarah Pallone/OU=DC/O=USEPA/C=US@EPA[];  
N=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Bob  
Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Scott  
Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Craig  
Hooks/OU=DC/O=USEPA/C=US@EPA;CN=David  
McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Arvin  
Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Sarah Pallone/OU=DC/O=USEPA/C=US@EPA[];  
N=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Scott  
Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Craig  
Hooks/OU=DC/O=USEPA/C=US@EPA;CN=David  
McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Arvin  
Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Sarah Pallone/OU=DC/O=USEPA/C=US@EPA[];  
N=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Craig  
Hooks/OU=DC/O=USEPA/C=US@EPA;CN=David  
McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Arvin  
Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Sarah Pallone/OU=DC/O=USEPA/C=US@EPA[];  
N=Craig Hooks/OU=DC/O=USEPA/C=US@EPA;CN=David  
McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Arvin  
Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Sarah Pallone/OU=DC/O=USEPA/C=US@EPA[];  
N=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Arvin  
Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Sarah Pallone/OU=DC/O=USEPA/C=US@EPA[];  
N=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Sarah  
Pallone/OU=DC/O=USEPA/C=US@EPA[]; N=Sarah Pallone/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US  
**Sent:** Fri 10/2/2009 7:03:39 PM  
**Subject:** Fw: Talking Points: Jobs and the Economy  
([embedded image](#))

-----  
M. Allyn Brooks-LaSure | Deputy Associate Administrator for Public Affairs

U.S. Environmental Protection Agency | Office of the Administrator

Phone: 202-564-8368 | Email: [brooks-lasure.allyn@epa.gov](mailto:brooks-lasure.allyn@epa.gov)

----- Forwarded by Allyn Brooks-LaSure/DC/USEPA/US on 10/02/2009 03:03 PM -----

From: "Lehrich, Matthew A."  
To: "Lehrich, Matthew A."  
Date: 10/02/2009 12:31 PM

**Personal Privacy**



Subject: Talking Points: Jobs and the Economy

## JOBS / ECONOMY

- We've known from the moment we arrived that recovering from the worst recession since the 1930s was going to be a long, hard road.
- Today's job numbers were disappointing and while the overall trajectory is moving in the right direction, a 9.8% unemployment rate is unacceptable. We have a long way to go.
- There are still millions of Americans who need and want work and who can't find it. There are still too many families struggling.
- In all recoveries there are fits and starts. In employment today, we see a fit. In other recent indicators, like production, consumer confidence, and housing, we have seen starts. It's important to look at the whole picture.
- What we are focused on every single day is doing everything we can to accelerate the return of employment growth, which history tells us is that last element of a recovery to emerge.
- Starting last September, our economy entered a nosedive. Every month the losses grew larger and larger to an extraordinary average of 700,000 jobs lost a month during the first quarter of this year. During the second quarter we averaged about 400,000 jobs a month. During the third quarter, job losses have slowed to about 250,000 jobs per month.
- Job growth follows economic growth, which is what the policies of this Administration are designed to create.
- Because of the aggressive actions we took, we have pulled up from the nosedive. We are no longer talking about falling into a depression, but about coming out of this recession.
- The Recovery Act is having the effect that it was designed to have: providing tax relief to 95% of American families, expanding assistance to families and states to help them withstand the worst effects of the recession, and making vital investments that are creating jobs today and laying the groundwork for prosperity in the future.

Sep 2009: -263,000  
Sep ADP Estimate: -254,000  
Sep Consensus: -175,000

Aug 2009 Revised: -201,000 (previously -216,000)  
Jul 2009 Revised: -276,000 (previously -247,000)

Jun 2009: -463,000  
May 2009: -303,000  
Apr 2009: -519,000  
Mar 2009: -652,000  
Feb 2009: -681,000  
Jan 2009: -741,000  
Dec 2008: -681,000  
Nov 2008: -597,000  
Oct 2008: -380,000

Sep 2008: -321,000  
Aug 2008: -175,000

## ECONOMIC OUTLOOK

- For the American people, this recession will not be over until people who want jobs can find them. Every single one of us realizes that the tough times are not over yet and we will continue to work, every day, to bring the job growth back to this country.
- But we also know that we're headed in the right direction we're seeing is that we're headed in the right direction. The Recovery Act, along with a comprehensive set of other economic policies, has helped cushion the blow of this recession and has started getting economic activity back on track.
- We've always known that employment would be the last piece of a recovery to emerge. And employment continued to be a disappointment this month. But it's important not to read too much into any one number. We have seen positive economic data and we have seen negative data in the past few weeks. Yesterday we got manufacturing numbers that showed continued growth. Last month we saw increases in production.
- Last quarter, we saw GDP numbers that were substantially better than expected and that showed that economic production is starting to turn around. This was in no small part due to the Recovery Act, which private sector economists credit with adding a significant 2.3% to GDP growth during the 2nd quarter of this year—and likely even more during the 3rd quarter.
- We have a long road ahead and we're going to need to carry through with the full program we are implementing to build a highly educated, well-trained workforce, a health care system that doesn't drag down businesses and families, and clean energy jobs and industries. That's where our future is. And that's where the jobs are.

## RECOVERY ACT

- The Recovery Act has had a tremendous impact in helping to ease some of the pain of this recession and to help generate new economic activity.
- About 40% of the Recovery Act has entered the economy at this point. There is still 60% to go. Recovery Act funds are going out every day and will have even greater force through the fall to help create jobs and drive economic activity into next year as well.
- Some people have suggested the stimulus should have been spent in a lump sum that would have ended months ago. This would have left us exposed today. Instead, we're seeing some progress and we still will continue to benefit from the stimulus throughout next year.
- As Mark Zandi, a private forecaster and economic adviser to John McCain's presidential campaign, recently put it: "It is no coincidence that the recession is ending just when the stimulus is providing maximum economic benefit."
- Some people with political motivations have suggested the stimulus isn't working because there's still unemployment. Let's remember that it took years of misguided and failed policies to create a hole this big. The

important thing is that for the first time in nearly a decade we're climbing our way out.

- Here are the facts:

- o The Recovery Act is currently getting money out on track and is scheduled the ramp up in the second half of the year. The Recovery Act was designed to do three things: provide help for those harmed by the economic crisis, aid in our recovery, and lay a new foundation to make America competitive in the 21st century.

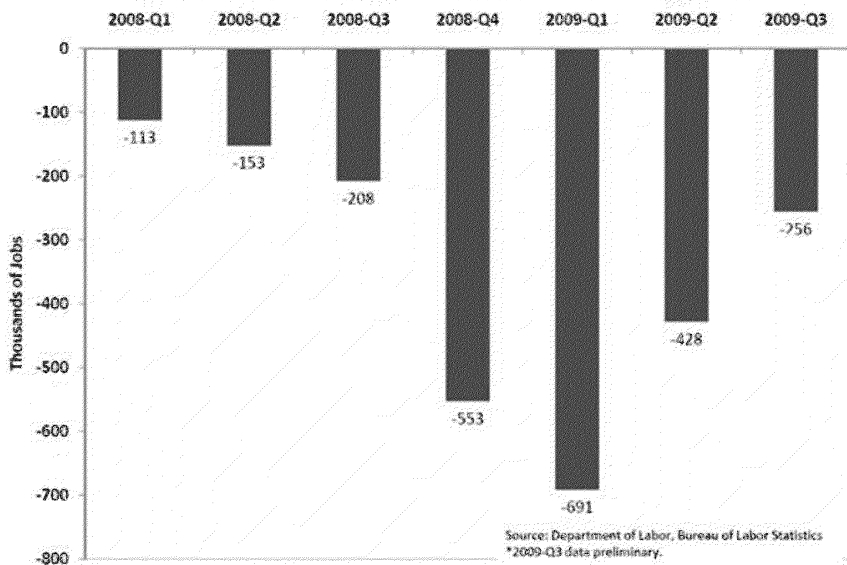
- o The first third of the recovery act is for tax relief for families and small businesses. 95% of working families are seeing an additional \$60-80 a month in their paychecks thanks to the Making Work Pay Tax Credit. More than \$62 billion has already been paid out.

- o Another third of the money in the Recovery Act is for emergency relief to help folks who have borne the brunt of this recession: Expanded unemployment benefits, reduced-cost COBRA benefits, and assistance to states to save tens of thousands of teachers and cops.

- o The last third is making vital investments that are putting people back to work today and creating a stronger economy for tomorrow through investments in high-speed rail, broadband, new battery technologies, and renewable energy sources. In many cases, these funds are matched by companies or private investors, getting capital moving again.

###

## CHANGE IN U.S. NONFARM PAYROLL EMPLOYMENT\*



EPA-0013430001490-0001

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA[]; N=Diane Thompson/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US  
**Sent:** Fri 10/2/2009 7:12:37 PM  
**Subject:** Fw: weekly update from Gulf Coast Rebuilding  
[weekly100209.doc](#)  
[story](#)  
[here](#)  
[janet.woodka@dhs.gov](mailto:janet.woodka@dhs.gov)  
[Hotspot](#)

FYI.

-----  
M. Allyn Brooks-LaSure | Deputy Associate Administrator for Public Affairs

U.S. Environmental Protection Agency | Office of the Administrator

Phone: 202-564-8368 | Email: [brooks-lasure.allyn@epa.gov](mailto:brooks-lasure.allyn@epa.gov)

----- Forwarded by Allyn Brooks-LaSure/DC/USEPA/US on 10/02/2009 03:11 PM -----

From: "Woodka, Janet" <[Janet.Woodka@dhs.gov](mailto:Janet.Woodka@dhs.gov)>  
To: "Leshner, Jan" <[Jan.Leshner@dhs.gov](mailto:Jan.Leshner@dhs.gov)>, "Wareing, Tracy" <[Tracy.Wareing@dhs.gov](mailto:Tracy.Wareing@dhs.gov)>, "Kayyem, Juliette" <[Juliette.Kayyem@dhs.gov](mailto:Juliette.Kayyem@dhs.gov)>, "Tennyson, Stephanie L" <[Stephanie.Tennyson@dhs.gov](mailto:Stephanie.Tennyson@dhs.gov)>, "Smith, Sean" <[Sean.Smith@dhs.gov](mailto:Sean.Smith@dhs.gov)>, "Kuban, Sara A" <[Sara.Kuban@dhs.gov](mailto:Sara.Kuban@dhs.gov)>, "McNamara, Jason" <[Jason.Mcnamara@dhs.gov](mailto:Jason.Mcnamara@dhs.gov)>, "Fugate, Craig" <[Craig.Fugate@dhs.gov](mailto:Craig.Fugate@dhs.gov)>,   
[Personal Privacy] "Stevens, Clark" <[Clark.Stevens@dhs.gov](mailto:Clark.Stevens@dhs.gov)>, "Colburn, Brent" <[Brent.Colburn@dhs.gov](mailto:Brent.Colburn@dhs.gov)>, "Hart, Patrick" <[Patrick.Hart@dhs.gov](mailto:Patrick.Hart@dhs.gov)>, "Garratt, David" <[david.garratt@dhs.gov](mailto:david.garratt@dhs.gov)>, "Wiggins, Chani Winn" <[Chani.Wiggins@dhs.gov](mailto:Chani.Wiggins@dhs.gov)>, "Peacock, Nelson" <[Nelson.Peacock@dhs.gov](mailto:Nelson.Peacock@dhs.gov)>, "Pressman, David" <[David.Pressman@dhs.gov](mailto:David.Pressman@dhs.gov)>, <[joan.deboer@dot.gov](mailto:joan.deboer@dot.gov)>, <[dave.gresham@hud.gov](mailto:dave.gresham@hud.gov)>,   
[Personal Privacy] <[frederick.tombarii@hud.gov](mailto:frederick.tombarii@hud.gov)>, <[brian.gill@hud.gov](mailto:brian.gill@hud.gov)>, "McDonald, Blair" <[Blair.Mcdonald@dhs.gov](mailto:Blair.Mcdonald@dhs.gov)>, <[laura.petrrou@hhs.gov](mailto:laura.petrrou@hhs.gov)>, <[rima.cohen@hhs.gov](mailto:rima.cohen@hhs.gov)>, "Contreras, January" <[January.Contreras@dhs.gov](mailto:January.Contreras@dhs.gov)>, "Gordon, Andrew S" <[Andrew.Gordon@dhs.gov](mailto:Andrew.Gordon@dhs.gov)>, [Personal Privacy]   
[Personal Privacy]   
[Personal Privacy]   
[Personal Privacy] <[donny.williams@hud.gov](mailto:donny.williams@hud.gov)>, <[laurel.a.blatchford@hud.gov](mailto:laurel.a.blatchford@hud.gov)>, [Personal Privacy]   
[Personal Privacy]   
[Personal Privacy] <[Jennifer.a.greer@usace.army.mil](mailto:Jennifer.a.greer@usace.army.mil)>, <[Andrew.hagelin@hqda.army.mil](mailto:Andrew.hagelin@hqda.army.mil)>, <[steven.l.stockton@usace.army.mil](mailto:steven.l.stockton@usace.army.mil)>, <[Zoltan.l.montvai@usace.army.mil](mailto:Zoltan.l.montvai@usace.army.mil)>, "Grimm, Michael" <[michael.grimm@dhs.gov](mailto:michael.grimm@dhs.gov)>, <[Deborah.ingram@dhs.gov](mailto:Deborah.ingram@dhs.gov)>, <[cantor.eric@dol.gov](mailto:cantor.eric@dol.gov)>, <[gambrell@cdfi.treas.gov](mailto:gambrell@cdfi.treas.gov)>, Allyn Brooks-LaSure/DC/USEPA/US@EPA, <[mark.newberg@sba.gov](mailto:mark.newberg@sba.gov)>, <[steven.smith@sba.gov](mailto:steven.smith@sba.gov)>, <[Donald.orndoff@va.gov](mailto:Donald.orndoff@va.gov)>, [Personal Privacy] <[John.cross@do.treas.gov](mailto:John.cross@do.treas.gov)>, <[Danielle.l.schopp@hud.gov](mailto:Danielle.l.schopp@hud.gov)>, [Personal Privacy] <[theodore.a.brown@usace.army.mil](mailto:theodore.a.brown@usace.army.mil)>, <[todd.m.richardson@hud.gov](mailto:todd.m.richardson@hud.gov)>, <[dominique.blom@hud.gov](mailto:dominique.blom@hud.gov)>, <[jeffrey.riddel@hud.gov](mailto:jeffrey.riddel@hud.gov)>, <[david.vargas@hud.gov](mailto:david.vargas@hud.gov)>, <[mark.miszack@fema.gov](mailto:mark.miszack@fema.gov)>, "Fox, Katherine B" <[Katherine.B.Fox@dhs.gov](mailto:Katherine.B.Fox@dhs.gov)>, [Personal Privacy] "Monchek, Rafaela" <[rafaela.monchek@dhs.gov](mailto:rafaela.monchek@dhs.gov)>, <[carl.highsmith@dot.gov](mailto:carl.highsmith@dot.gov)>, <[david.matsuda@dot.gov](mailto:david.matsuda@dot.gov)>, "Duggan, Alaina" <[Alaina.Duggan@dhs.gov](mailto:Alaina.Duggan@dhs.gov)>, "Campbell, Matt" <[matt.campbell@dhs.gov](mailto:matt.campbell@dhs.gov)>, [Personal Privacy]

**Personal Privacy** Jim Hanlon/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, <donna.white@hud.gov>, <Inembhard@cns.gov>, <baker.angela@dol.gov>, <**Personal Privacy**>  
**Personal Privacy** "McClure, Laura" <Laura.Mcclure@dhs.gov>, <rstinson@eda.doc.gov>, <p davidson@eda.doc.gov>, <cosborne@eda.doc.gov>, <ginger.lew@sba.gov>, <james.rivera@sba.gov>, <eric.zarnikow@sba.gov>, <chris.chan@sba.gov>, <ana.ma@sba.gov>, <Matthew.Yale@ed.gov>, <johnr.gingrich@va.gov>, <mark.a.linton@hud.gov>, <alexia.kelley@hhs.gov>, <cgrant2@doc.gov>, "Myers, David" <David.Myers1@dhs.gov>, "Schwartz, Alison" <Alison.Schwartz@dhs.gov>, "Goucher, Rob" <rob.goucher@dhs.gov>, <Honker.Bill@epamail.epa.gov>, **Personal Privacy**  
Cc: "Whelan, Moira" <Moira.Whehan@dhs.gov>, "Lundqvist, Hanna" <Hanna.Lundqvist@dhs.gov>  
Date: 10/02/2009 03:08 PM  
Subject: weekly update from Gulf Coast Rebuilding

Office of the Federal Coordinator for Gulf Coast Rebuilding  
Weekly Update 10/02/2009

For Official Use Only  
Do not distribute outside of the federal government.

On Tuesday, September 29, President Obama signed an Executive Order extending the Office of the Federal Coordinator for Gulf Coast Rebuilding for six months to April 1, 2010. Signaling his continued commitment to Katrina-Rita recovery, President Barack Obama also announced that he will visit the Gulf Coast in mid-October and see first-hand the progress in the region. The White House also announced a six-month effort led by Homeland Security Secretary Janet Napolitano and Housing and Urban Development Secretary Shaun Donovan to examine lessons learned during previous catastrophic disaster recovery efforts, areas for improved collaboration between federal agencies and between the federal government and state and local governments and stakeholders. The effort also will review federal disaster recovery programs for efficacy and review methods to build capacity within state, local and tribal governments as well as within the non-profit, faith-based and private sector. The story was picked up by the New Orleans Times-Picayune, the Baton Rouge Advocate, the Associated Press, the Washington Post, and local television stations in New Orleans.

On September 29, 2009, the Louisiana Commission on Streamlining Government's Efficiency and Benchmarking Subcommittee passed a resolution recommending the reuse of the Charity Hospital building. Chaired by state Treasurer John Kennedy, who has been a long critic of the new academic medical center plans, the panel supports reusing Charity Hospital as a cost-cutting effort. An architectural review commissioned by the Foundation for Historic Louisiana found that rebuilding Charity will cost \$283 million less than the plans for the new academic medical center. The resolution must now go before the Commission, which putting together cost-saving suggestions to shore up the state's budget shortfall. In response to the resolution, Secretary of Health and Hospitals Alan Levine said that the state remains committed to building a new hospital rather than reusing Charity. However, he also reported that the state has hired a consultant to revise the new hospital's business plan. The State of Louisiana sent the Charity Hospital Project Worksheet to arbitration this week. The Mississippi Bay St. Louis School District also submitted issues. These are the first projects to utilize the recently formed arbitration panel.

The House Transportation and Infrastructure's Subcommittee on Economic Development, Public Buildings, and Emergency Management held a hearing on September 29, 2009, entitled "Final Breakthrough on the Billion Dollar Katrina Infrastructure Logjam: How is it Working?" Witnesses included Stephen Daniels, Chairman of the Civilian Board of Contract Appeals; David Garratt, Acting Deputy Administrator of FEMA; Charles R. Axton, FEMA Lead Unified Public Assistance Project Decision Team; Paul Rainwater, Executive Director of the Louisiana Recovery Authority; and Craig Taffaro, St. Bernard Parish President.

The Corps plans to place all of the 66" pilings that form the bulk of the IHNC storm surge barrier by October 9 and will begin placing the concrete caps on top by November.

On Wednesday, the Energy and Water Appropriations conference committee rejected an amendment that would have required the Army Corps of Engineers to conduct a detailed, 18-month study of three proposed plans for

protection at the outfall canals and would have required the Corps to adopt a "pump-to-the-river" option to reroute some rainwater from the 17th Street Canal to the Mississippi River. The Corps intends to build permanent storm surge protection consisting of massive storm surge gates and pumps similar to the temporary structures that are currently in place. However, it has agreed to modify the design to accommodate future plans to re-configure the drainage canals. The State must first sign a project partnership agreement with the Corps in order for work to move forward.

The Census reported this week that 21.2% of residents in Mississippi live in poverty while 17.3% of Louisiana residents live in poverty. The national average is 13.2%.

New Orleans City Business published a story this week about the complexity of using federal funds to pay for slab removal, specifically in St. Bernard parish.

The Louisiana Workforce Commission reported that the New Orleans area gained 700 jobs in August. The area lost 3,800 jobs in July. The New Orleans area has a 7.7 percent unemployment rate, compared with Louisiana's 8.1 percent joblessness rate. Both beat the national unemployment rate of 9.6 percent.

The Louisiana Center for Women and Government sponsored a National Leadership Summit in Environment and Energy in New Orleans on September 24-26 in New Orleans.

GCR staff met with Historic Restoration, Inc. to discuss the extension of the GO Zone Historic Tax Credit.

This week, Federal Coordinator Janet Woodka met with Paul Rainwater of the LRA, Ramsey Green of the Recovery School District, Louisiana State Senator Julie Quinn, Walter Isaacson of the Aspen Institute, and Craig Taffaro, President of St. Bernard Parish.

#### Comings and Goings

The NATO Parliamentary Assembly will visit New York City and New Orleans on an emergency preparedness and disaster response trip October 1-4. FEMA's Office of International Affairs is supporting the trip. The group will be in New Orleans Oct 3-4. The parliamentarians will meet with FEMA and GSA officials as well as representatives from the state of Louisiana. They will also attend a function at the World War II museum hosted by Rep. Jo Ann Emerson, the Chairperson of the Parliamentary assembly.

On October 7 and 8, Ms. Jo Ellen Darcy, Assistant Secretary of the Army for Civil Works, will be visiting the Corps' New Orleans and Mobile Districts. Ms. Darcy plans to tour the Inner Harbor Navigation Canal storm surge barrier and other parts of the hurricane protection system and associated projects. She will also be gathering information about the Mississippi Coastal Improvements Program, a comprehensive plan for barrier island and ecosystem restoration in Jackson, Hancock and Harrison counties.

On October 12, Senator Landrieu is scheduled to tour the Inner Harbor Navigation Canal storm surge barrier.

President Barack Obama will visit the Gulf Coast region in mid-October.

CEQ will host a public meeting in New Orleans on October 19 to provide an opportunity for comment on the Interim Report of the Interagency Ocean Policy Task Force. The report declares that it is the policy of the United States to protect, maintain and restore coastal ecosystems; to improve resiliency of coastal communities; and to use the best available science to inform decisions affecting our coasts. The implementation strategy calls for "special emphasis" on strengthening coastal communities' resilience to climate change and establishing integrated ecosystem restoration for coastal regions including the Gulf Coast.

October 19-23, LTG Van Antwerp, Chief of the U.S. Army Corps of Engineers will be in New Orleans for a meeting with newly installed Corps District Commanders. The schedule includes several days of training and an update to the Chief.

On October 29-30, General Temple will be in New Orleans for site visits on the hurricane protection system.

#### Forthcoming

Musicians Bringing Musicians Home will host a benefit for Sweet Home New Orleans on Monday, October 5 at the Rock and Roll Hotel in Washington, D.C. More information is available [here](#).

The Waterways Council, Inc.'s sixth annual Waterways Symposium will take place in New Orleans on Oct. 12-14.

The conference will explore the challenges faced by the waterways industry including the changing economic environment, significant infrastructure needs, and a litany of legislative issues. Members of the corps are expected to attend and possibly present.

Neighborhood Funders Group will host their annual conference October 13-15 in New Orleans at the Loews Hotel. The conference explores how philanthropy can support and expand vibrant civic engagement through partnerships between government, philanthropy and communities. Secretary of Labor Hilda Solis has been invited to speak. The JCPA and CC-USA "Good Jobs, Green Jobs" mobilization will take place in New Orleans October 14-21. On October 15, St. Bernard Parish President Craig Taffaro will hold a forum to discuss infrastructure and public facilities projects and take questions.

October 16-18 is the Mississippi Center for Justice's Great Mississippi River Road Trip, which highlights their work on advancing racial and economic justice across the state.

LANO will hold its annual conference in Baton Rouge October 20-22.

The Greek Orthodox Church Symposium on Religion, Science, and the Environment - "The Great Mississippi River: Restoring Balance" will be in New Orleans October 20 -26. This marks the first time that the symposium has been held in the United States. A number of Administration officials have been invited.

The Environmental Defense Fund will hold a reception in New Orleans the last week in October.

On October 28, PIANC USA, a worldwide non-political and non-profit technical and scientific organization established to promote both inland and maritime navigation by fostering progress in the planning, design, construction, improvement, maintenance and operation of inland and maritime waterways and ports and of coastal areas for general use will host a one-day technical seminar in New Orleans on sustainability, environmental risks, and navigation at the Westin Canal Place. Col. Al Lee, Commander of the New Orleans District will address the group. The seminar topics will include Gulf of Mexico Challenges and Opportunities, Global Navigation and Climate Change, Working with Nature for Sustainable Development, and Environmental Risk Assessment and Management. A reception at the Plimsoll Club in the World Trade Center will follow. PIANC USA was organized in 1902 with the U.S. Army Corps of Engineers (USACE) serving as the Secretariat. Membership is comprised of engineers, scientists, economists, planners, dredgers, port operators, regulators, and marina and vessel owners. PIANC USA is chaired by the Assistant Secretary of the Army (Civil Works) and the President is the USACE Deputy Commander.

The World War II Museum in New Orleans will celebrate the opening of a new wing, November 6-8 as part of a \$300 million expansion project, paid for through federal funds.

A GAO report on Gulf Coast Rebuilding and housing issues in the Gulf Coast is expected to be issued in December.

On December 2-4, the Soros Foundation will hold its annual conference in New Orleans.

The National Fusion Center Conference will be held in New Orleans in March, 2010.

Janet Woodka  
Federal Coordinator  
Office of Gulf Coast Rebuilding  
phone: 202-325-0198  
cell: [Personal Privacy]  
email: janet.woodka@dhs.gov



**Office of the Federal Coordinator for Gulf Coast Rebuilding**  
**Weekly Update 10/02/2009**

*For Official Use Only*

*Do not distribute outside of the federal government.*

- On Tuesday, September 29, President Obama signed an Executive Order extending the Office of the Federal Coordinator for Gulf Coast Rebuilding for six months to April 1, 2010. Signaling his continued commitment to Katrina-Rita recovery, President Barack Obama also announced that he will visit the Gulf Coast in mid-October and see first-hand the progress in the region. The White House also announced a six-month effort led by Homeland Security Secretary Janet Napolitano and Housing and Urban Development Secretary Shaun Donovan to examine lessons learned during previous catastrophic disaster recovery efforts, areas for improved collaboration between federal agencies and between the federal government and state and local governments and stakeholders. The effort also will review federal disaster recovery programs for efficacy and review methods to build capacity within state, local and tribal governments as well as within the non-profit, faith-based and private sector. The story was picked up by the New Orleans Times-Picayune, the Baton Rouge Advocate, the Associated Press, the Washington Post, and local television stations in New Orleans.
- On September 29, 2009, the Louisiana Commission on Streamlining Government's Efficiency and Benchmarking Subcommittee passed a resolution recommending the reuse of the Charity Hospital building. Chaired by state Treasurer John Kennedy, who has been a long critic of the new academic medical center plans, the panel supports reusing Charity Hospital as a cost-cutting effort. An architectural review commissioned by the Foundation for Historic Louisiana found that rebuilding Charity will cost \$283 million less than the plans for the new academic medical center. The resolution must now go before the Commission, which putting together cost-saving suggestions to shore up the state's budget shortfall. In response to the resolution, Secretary of Health and Hospitals Alan Levine said that the state remains committed to building a new hospital rather than reusing Charity. However, he also reported that the state has hired a consultant to revise the new hospital's business plan.
- The State of Louisiana sent the Charity Hospital Project Worksheet to arbitration this week. The Mississippi Bay St. Louis School District also submitted issues. These are the first projects to utilize the recently formed arbitration panel.
- The House Transportation and Infrastructure's Subcommittee on Economic Development, Public Buildings, and Emergency Management held a hearing on September 29, 2009, entitled "Final Breakthrough on the Billion Dollar Katrina Infrastructure Logjam: How is it Working?" Witnesses included Stephen Daniels, Chairman of the Civilian Board of

Contract Appeals; David Garratt, Acting Deputy Administrator of FEMA; Charles R. Axton, FEMA Lead Unified Public Assistance Project Decision Team; Paul Rainwater, Executive Director of the Louisiana Recovery Authority; and Craig Taffaro, St. Bernard Parish President.

- The Corps plans to place all of the 66" pilings that form the bulk of the IHNC storm surge barrier by October 9 and will begin placing the concrete caps on top by November.
- On Wednesday, the Energy and Water Appropriations conference committee rejected an amendment that would have required the Army Corps of Engineers to conduct a detailed, 18-month study of three proposed plans for protection at the outfall canals and would have required the Corps to adopt a "pump-to-the-river" option to reroute some rainwater from the 17th Street Canal to the Mississippi River. The Corps intends to build permanent storm surge protection consisting of massive storm surge gates and pumps similar to the temporary structures that are currently in place. However, it has agreed to modify the design to accommodate future plans to re-configure the drainage canals. The State must first sign a project partnership agreement with the Corps in order for work to move forward.
- The Census reported this week that 21.2% of residents in Mississippi live in poverty while 17.3% of Louisiana residents live in poverty. The national average is 13.2%.
- New Orleans City Business published a [story](#) this week about the complexity of using federal funds to pay for slab removal, specifically in St. Bernard parish.
- The Louisiana Workforce Commission reported that the New Orleans area gained 700 jobs in August. The area lost 3,800 jobs in July. The New Orleans area has a 7.7 percent unemployment rate, compared with Louisiana's 8.1 percent joblessness rate. Both beat the national unemployment rate of 9.6 percent.
- The Louisiana Center for Women and Government sponsored a National Leadership Summit in Environment and Energy in New Orleans on September 24-26 in New Orleans.
- GCR staff met with Historic Restoration, Inc. to discuss the extension of the GO Zone Historic Tax Credit.
- This week, Federal Coordinator Janet Woodka met with Paul Rainwater of the LRA, Ramsey Green of the Recovery School District, Louisiana State Senator Julie Quinn, Walter Isaacson of the Aspen Institute, and Craig Taffaro, President of St. Bernard Parish.

## **Comings and Goings**

- The NATO Parliamentary Assembly will visit New York City and New Orleans on an emergency preparedness and disaster response trip October 1-4. FEMA's Office of International Affairs is supporting the trip. The group will be in New Orleans Oct 3-4. The parliamentarians will meet with FEMA and GSA officials as well as representatives from the state of

Louisiana. They will also attend a function at the World War II museum hosted by Rep. Jo Ann Emerson, the Chairperson of the Parliamentary assembly.

- On October 7 and 8, Ms. Jo Ellen Darcy, Assistant Secretary of the Army for Civil Works, will be visiting the Corps' New Orleans and Mobile Districts. Ms. Darcy plans to tour the Inner Harbor Navigation Canal storm surge barrier and other parts of the hurricane protection system and associated projects. She will also be gathering information about the Mississippi Coastal Improvements Program, a comprehensive plan for barrier island and ecosystem restoration in Jackson, Hancock and Harrison counties.
- On October 12, Senator Landrieu is scheduled to tour the Inner Harbor Navigation Canal storm surge barrier.
- President Barack Obama will visit the Gulf Coast region in mid-October.
- CEQ will host a public meeting in New Orleans on October 19 to provide an opportunity for comment on the Interim Report of the Interagency Ocean Policy Task Force. The report declares that it is the policy of the United States to protect, maintain and restore coastal ecosystems; to improve resiliency of coastal communities; and to use the best available science to inform decisions affecting our coasts. The implementation strategy calls for "special emphasis" on strengthening coastal communities' resilience to climate change and establishing integrated ecosystem restoration for coastal regions including the Gulf Coast.
- October 19-23, LTG Van Antwerp, Chief of the U.S. Army Corps of Engineers will be in New Orleans for a meeting with newly installed Corps District Commanders. The schedule includes several days of training and an update to the Chief.
- On October 29-30, General Temple will be in New Orleans for site visits on the hurricane protection system.

## **Forthcoming**

- Musicians Bringing Musicians Home will host a benefit for Sweet Home New Orleans on Monday, October 5 at the Rock and Roll Hotel in Washington, D.C. More information is available [here](#).
- The Waterways Council, Inc.'s sixth annual Waterways Symposium will take place in New Orleans on Oct. 12-14. The conference will explore the challenges faced by the waterways industry including the changing economic environment, significant infrastructure needs, and a litany of legislative issues. Members of the corps are expected to attend and possibly present.
- Neighborhood Funders Group will host their annual conference October 13-15 in New Orleans at the Loews Hotel. The conference explores how philanthropy can support and expand vibrant civic engagement through partnerships between government, philanthropy and communities. Secretary of Labor Hilda Solis has been invited to speak.

- The JCPA and CC-USA "Good Jobs, Green Jobs" mobilization will take place in New Orleans October 14-21.
- On October 15, St. Bernard Parish President Craig Taffaro will hold a forum to discuss infrastructure and public facilities projects and take questions.
- October 16-18 is the Mississippi Center for Justice's Great Mississippi River Road Trip, which highlights their work on advancing racial and economic justice across the state.
- LANO will hold its annual conference in Baton Rouge October 20-22.
- The Greek Orthodox Church Symposium on Religion, Science, and the Environment - "The Great Mississippi River: Restoring Balance" will be in New Orleans October 20 -26. This marks the first time that the symposium has been held in the United States. A number of Administration officials have been invited.
- The Environmental Defense Fund will hold a reception in New Orleans the last week in October.
- On October 28, PIANC USA, a worldwide non-political and non-profit technical and scientific organization established to promote both inland and maritime navigation by fostering progress in the planning, design, construction, improvement, maintenance and operation of inland and maritime waterways and ports and of coastal areas for general use will host a one-day technical seminar in New Orleans on sustainability, environmental risks, and navigation at the Westin Canal Place. Col. Al Lee, Commander of the New Orleans District will address the group. The seminar topics will include Gulf of Mexico Challenges and Opportunities, Global Navigation and Climate Change, Working with Nature for Sustainable Development, and Environmental Risk Assessment and Management. A reception at the Plimsohl Club in the World Trade Center will follow. PIANC USA was organized in 1902 with the U.S. Army Corps of Engineers (USACE) serving as the Secretariat. Membership is comprised of engineers, scientists, economists, planners, dredgers, port operators, regulators, and marina and vessel owners. PIANC USA is chaired by the Assistant Secretary of the Army (Civil Works) and the President is the USACE Deputy Commander.
- The World War II Museum in New Orleans will celebrate the opening of a new wing, November 6-8 as part of a \$300 million expansion project, paid for through federal funds.
- A GAO report on Gulf Coast Rebuilding and housing issues in the Gulf Coast is expected to be issued in December.
- On December 2-4, the Soros Foundation will hold its annual conference in New Orleans.
- The National Fusion Center Conference will be held in New Orleans in March, 2010.

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Cynthia  
Giles/OU=DC/O=USEPA/C=US@EPA;CN=Peter Silva/OU=DC/O=USEPA/C=US@EPA;CN=Bob  
Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-  
LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Arvin  
Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Scott  
Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Diane  
Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Lawrence  
Elworth/OU=DC/O=USEPA/C=US@EPA;CN=Chuck Fox/OU=CBP/O=USEPA/C=US@EPA[];  
N=Cynthia Giles/OU=DC/O=USEPA/C=US@EPA;CN=Peter  
Silva/OU=DC/O=USEPA/C=US@EPA;CN=Bob  
Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-  
LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Arvin  
Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Scott  
Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Diane  
Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Lawrence  
Elworth/OU=DC/O=USEPA/C=US@EPA;CN=Chuck Fox/OU=CBP/O=USEPA/C=US@EPA[];  
N=Peter Silva/OU=DC/O=USEPA/C=US@EPA;CN=Bob  
Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-  
LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Arvin  
Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Scott  
Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Diane  
Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Lawrence  
Elworth/OU=DC/O=USEPA/C=US@EPA;CN=Chuck Fox/OU=CBP/O=USEPA/C=US@EPA[];  
N=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-  
LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Arvin  
Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Scott  
Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Diane  
Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Lawrence  
Elworth/OU=DC/O=USEPA/C=US@EPA;CN=Chuck Fox/OU=CBP/O=USEPA/C=US@EPA[];  
N=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Arvin  
Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Scott  
Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Diane  
Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Lawrence  
Elworth/OU=DC/O=USEPA/C=US@EPA;CN=Chuck Fox/OU=CBP/O=USEPA/C=US@EPA[];  
N=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Scott  
Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Diane  
Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Lawrence  
Elworth/OU=DC/O=USEPA/C=US@EPA;CN=Chuck Fox/OU=CBP/O=USEPA/C=US@EPA[];  
N=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Diane  
Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Lawrence  
Elworth/OU=DC/O=USEPA/C=US@EPA;CN=Chuck Fox/OU=CBP/O=USEPA/C=US@EPA[];  
N=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Lawrence  
Elworth/OU=DC/O=USEPA/C=US@EPA;CN=Chuck Fox/OU=CBP/O=USEPA/C=US@EPA[];  
N=Lawrence Elworth/OU=DC/O=USEPA/C=US@EPA;CN=Chuck  
Fox/OU=CBP/O=USEPA/C=US@EPA[]; N=Chuck Fox/OU=CBP/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Bob Perciasepe/OU=DC/O=USEPA/C=US  
**Sent:** Fri 10/2/2009 8:29:01 PM  
**Subject:** Water discussion Monday and some near term focus

Lisa:

On Monday we will be meeting with you to discuss some near term water activities as well as ideas on the larger frame for our water agenda.

**Deliberative**

**Deliberative**

I trust that this will help for our discussion Monday.

Bob Perciasepe  
Office of the Administrator  
1200 Pennsylvania Ave., ARN  
202 564 2410





**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Peter Silva/OU=DC/O=USEPA/C=US@EPA;CN=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Cynthia Giles/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA[]; N=Peter Silva/OU=DC/O=USEPA/C=US@EPA;CN=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Cynthia Giles/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA[]; N=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Cynthia Giles/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA[]; N=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Cynthia Giles/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA[]; N=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Cynthia Giles/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA[]; N=Cynthia Giles/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA[]; N=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA[]; N=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA[]

**Cc:** []

**From:** CN=Bob Sussman/OU=DC/O=USEPA/C=US

**Sent:** Fri 10/2/2009 11:53:25 PM

**Subject:** NAS Study on WUSA Issues

Pete and I were briefed today on the proposed NAS study entitled "Wetlands and Streams -- Structure, Functioning and Connectivity." This study grew out of discussions starting in 2007 between the Office of Wetlands, Oceans and Watersheds (OWOW) in OW, NAS and the Army Corps of Engineers. In August of this year, the scope of work was finalized and OW entered into a funding agreement with NAS. The total cost of the study will be Deliberative. EPA has already committed Deliberative and the Corps Deliberative. NAS is targeting May 2011 for a final report. The study has not been announced publicly although this could occur in 2-3 weeks. The option exists to cancel the study, without financial penalty. There has been no discussion of the study with Congress, environmental groups or other stakeholders although the recent INSIDE EPA article resulted in several calls to the agency expressing concern. Pete was not aware of the study until this article was published.

# Deliberative

# Deliberative

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=Aaron Dickerson/OU=DC/O=USEPA/C=US@EPA;CN=Eric  
Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Robert  
Goulding/OU=DC/O=USEPA/C=US@EPA[]; N=Eric  
Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Robert  
Goulding/OU=DC/O=USEPA/C=US@EPA[]; N=Robert  
Goulding/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Diane Thompson/OU=DC/O=USEPA/C=US  
**Sent:** Mon 10/5/2009 3:34:35 PM  
**Subject:** Fw: Talking Points: Jobs and the Economy  
([embedded image](#))

FYI

\*\*\*\*\*

Diane E. Thompson  
Chief of Staff  
U. S. Environmental Protection Agency  
202-564-6999  
----- Forwarded by Diane Thompson/DC/USEPA/US on 10/05/2009 11:34 AM -----

From: "Milakofsky, Benjamin E." {**Personal Privacy**}  
To: "Lu, Christopher P." {**Personal Privacy**} "Smith, Elizabeth S."  
{**Personal Privacy**} "Kimball, Astri B." {**Personal Privacy**} "Hurlbut,  
Brandon K." <{**Personal Privacy**} "French, Michael J."  
{**Personal Privacy**} "Taylor, Adam R." {**Personal Privacy**} "Milakofsky,  
Benjamin E." {**Personal Privacy**}  
Date: 10/02/2009 12:33 PM  
Subject: Talking Points: Jobs and the Economy

Dear Chiefs of Staff:  
Please see the below talking points on the economy.  
--Cabinet Affairs  
JOBS / ECONOMY

- We've known from the moment we arrived that recovering from the worst recession since the 1930s was going to be a long, hard road.
- Today's job numbers were disappointing and while the overall trajectory is moving in the right direction, a 9.8% unemployment rate is unacceptable. We have a long way to go.
- There are still millions of Americans who need and want work and who can't find it. There are still too many families struggling.
- In all recoveries there are fits and starts. In employment today, we see a fit. In other recent indicators, like production, consumer confidence, and housing, we have seen starts. It's important to look at the whole picture.
- What we are focused on every single day is doing everything we can to accelerate the return of employment growth, which history tells us is that last element of a recovery to emerge.

- Starting last September, our economy entered a nosedive. Every month the losses grew larger and larger to an extraordinary average of 700,000 jobs lost a month during the first quarter of this year. During the second quarter we averaged about 400,000 jobs a month. During the third quarter, job losses have slowed to about 250,000 jobs per month.
- Job growth follows economic growth, which is what the policies of this Administration are designed to create.
- Because of the aggressive actions we took, we have pulled up from the nosedive. We are no longer talking about falling into a depression, but about coming out of this recession.
- The Recovery Act is having the effect that it was designed to have: providing tax relief to 95% of American families, expanding assistance to families and states to help them withstand the worst effects of the recession, and making vital investments that are creating jobs today and laying the groundwork for prosperity in the future.

Sep 2009: -263,000  
 Sep ADP Estimate: -254,000  
 Sep Consensus: -175,000

Aug 2009 Revised: -201,000 (previously -216,000)  
 Jul 2009 Revised: -276,000 (previously -247,000)

Jun 2009: -463,000  
 May 2009: -303,000  
 Apr 2009: -519,000  
 Mar 2009: -652,000  
 Feb 2009: -681,000  
 Jan 2009: -741,000  
 Dec 2008: -681,000  
 Nov 2008: -597,000  
 Oct 2008: -380,000  
 Sep 2008: -321,000  
 Aug 2008: -175,000

## ECONOMIC OUTLOOK

- For the American people, this recession will not be over until people who want jobs can find them. Every single one of us realizes that the tough times are not over yet and we will continue to work, every day, to bring the job growth back to this country.
- But we also know that we're headed in the right direction we're seeing is that we're headed in the right direction. The Recovery Act, along with a comprehensive set of other economic policies, has helped cushion the blow of this recession and has started getting economic activity back on track.
- We've always known that employment would be the last piece of a recovery to emerge. And employment continued to be a disappointment this month. But it's important not to read too much into any one number. We have seen positive economic data and we have seen negative data in the past few weeks. Yesterday we got

manufacturing numbers that showed continued growth. Last month we saw increases in production.

- Last quarter, we saw GDP numbers that were substantially better than expected and that showed that economic production is starting to turn around. This was in no small part due to the Recovery Act, which private sector economists credit with adding a significant 2.3% to GDP growth during the 2nd quarter of this year—and likely even more during the 3rd quarter.

- We have a long road ahead and we're going to need to carry through with the full program we are implementing to build a highly educated, well-trained workforce, a health care system that doesn't drag down businesses and families, and clean energy jobs and industries. That's where our future is. And that's where the jobs are.

## RECOVERY ACT

- The Recovery Act has had a tremendous impact in helping to ease some of the pain of this recession and to help generate new economic activity.

- About 40% of the Recovery Act has entered the economy at this point. There is still 60% to go. Recovery Act funds are going out every day and will have even greater force through the fall to help create jobs and drive economic activity into next year as well.

- Some people have suggested the stimulus should have been spent in a lump sum that would have ended months ago. This would have left us exposed today. Instead, we're seeing some progress and we still will continue to benefit from the stimulus throughout next year.

- As Mark Zandi, a private forecaster and economic adviser to John McCain's presidential campaign, recently put it: "It is no coincidence that the recession is ending just when the stimulus is providing maximum economic benefit."

- Some people with political motivations have suggested the stimulus isn't working because there's still unemployment. Let's remember that it took years of misguided and failed policies to create a hole this big. The important thing is that for the first time in nearly a decade we're climbing our way out.

- Here are the facts:

- o The Recovery Act is currently getting money out on track and is scheduled to ramp up in the second half of the year. The Recovery Act was designed to do three things: provide help for those harmed by the economic crisis, aid in our recovery, and lay a new foundation to make America competitive in the 21st century.

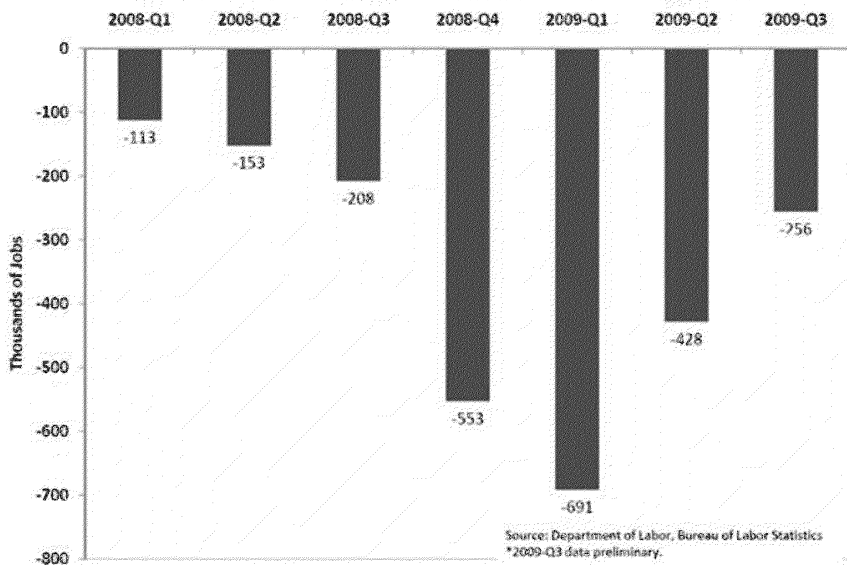
- o The first third of the recovery act is for tax relief for families and small businesses. 95% of working families are seeing an additional \$60-80 a month in their paychecks thanks to the Making Work Pay Tax Credit. More than \$62 billion has already been paid out.

- o Another third of the money in the Recovery Act is for emergency relief to help folks who have borne the brunt of this recession: Expanded unemployment benefits, reduced-cost COBRA benefits, and assistance to states to save tens of thousands of teachers and cops.

- o The last third is making vital investments that are putting people back to work today and creating a stronger economy for tomorrow through investments in high-speed rail, broadband, new battery technologies, and renewable energy sources. In many cases, these funds are matched by companies or private investors, getting capital moving again.

###

## CHANGE IN U.S. NONFARM PAYROLL EMPLOYMENT\*



EPA-0013430001496-0001

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Mon 10/5/2009 5:58:49 PM  
**Subject:** update on response to 6th Circuit case on pesticide applications to water

Lisa,

You'll no doubt remember that just a couple of weeks before you were confirmed as Administrator, the U.S. Court of Appeals for the Sixth Circuit held that CWA permits are required for all biological pesticide applications and chemical pesticide applications that leave a residue in water when such applications are made in or over, including near, waters of the U.S. The Sixth Circuit's ruling vacated a 2006 EPA final rule codifying the Agency's previous position that the application of a pesticide in compliance with FIFRA does not need a NPDES permit in most circumstances. In order to allow the Agency and states time to develop a general permit to address these pesticide applications, the court granted EPA's request of a stay of the decision until April 2011.

I'm writing to update you on EPA's response to this ruling.

Over the past six months OW, in close collaboration with OPPTS, has been working to develop a CWA NPDES general permit to address the application of pesticides in, over, and near waters of the U.S.

EPA's general permit will cover pesticide applications in MA, ID, NH, AK, and NM as well as territories, tribal lands, and certain federal lands. The remaining 45 states are NPDES authorized and must develop their state general permits on the same schedule as ours. Due to this tight timeframe, OW is actively soliciting early stakeholder input.

This past week, the Agency held a two-day, face-to-face meeting with state officials where a draft general permit was presented for comment. On October 7th and October 14th, respectively, EPA will hold a web cast and then a face-to-face meeting with the Pesticide Program Dialogue Committee (PPDC), an Agency FACA committee. Information on the general approach the Agency is taking regarding the permit will be presented and OW will solicit early input from the broad range of stakeholders represented by the PPDC. Both the web cast and the face-to-face meeting will be open to the public.

It is unusual for a program office to share information so early in a process with States and stakeholders. But the input received to date has been valuable; comments received from the States last week has helped in understanding whether the requirements tentatively included in the permit are both reasonable and a step forward in environmental protection. This general permit will be one of EPA's largest, and I expect that our path forward and final decisions will be contentious given the numerous stakeholders and the sectors impacted.

I thought you should have this information at hand in case you receive questions about it. Given the extensive and growing stakeholder involvement on this issue, I figured it is only a matter of time before someone asks you about it.

Best,  
Lisa



**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Craig Hooks/OU=DC/O=USEPA/C=US@EPA;CN=Ray Spears/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA[]; N=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Craig Hooks/OU=DC/O=USEPA/C=US@EPA;CN=Ray Spears/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA[]; N=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Craig Hooks/OU=DC/O=USEPA/C=US@EPA;CN=Ray Spears/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA[]; N=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Craig Hooks/OU=DC/O=USEPA/C=US@EPA;CN=Ray Spears/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA[]; N=Craig Hooks/OU=DC/O=USEPA/C=US@EPA;CN=Ray Spears/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA[]; N=Ray Spears/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA[]; N=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA[]

**Cc:** CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA[]

**From:** CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US

**Sent:** Mon 10/5/2009 7:45:12 PM

**Subject:** Fw: President Obama signs an Executive Order Focused on Federal Leadership in Environmental, Energy, and Economic Performance  
[2009fedleader eo rel.pdf](#)

-----  
M. Allyn Brooks-LaSure | Deputy Associate Administrator for Public Affairs

U.S. Environmental Protection Agency | Office of the Administrator

Phone: 202-564-8368 | Email: [brooks-lasure.allyn@epa.gov](mailto:brooks-lasure.allyn@epa.gov)

----- Forwarded by Allyn Brooks-LaSure/DC/USEPA/US on 10/05/2009 03:45 PM -----

From: "White House Press Office" <[whitehouse-lists-noreply@list.whitehouse.gov](mailto:whitehouse-lists-noreply@list.whitehouse.gov)>  
To: Allyn Brooks-LaSure/DC/USEPA/US@EPA  
Date: 10/05/2009 03:42 PM  
Subject: President Obama signs an Executive Order Focused on Federal Leadership in Environmental, Energy, and Economic Performance

THE WHITE HOUSE  
Office of the Press Secretary

FOR IMMEDIATE RELEASE:  
October 5, 2009

President Obama signs an Executive Order Focused on Federal Leadership in Environmental, Energy, and Economic Performance

WASHINGTON, DC – Demonstrating a commitment to lead by example, President Obama signed an Executive Order (attached) today that sets sustainability goals for Federal agencies and focuses on making improvements in their environmental, energy and economic performance. The Executive Order requires Federal agencies to set a 2020 greenhouse gas emissions reduction target within 90 days; increase energy efficiency; reduce fleet petroleum consumption; conserve water; reduce waste; support sustainable communities; and leverage Federal purchasing power to promote environmentally-responsible products and technologies.

“As the largest consumer of energy in the U.S. economy, the Federal government can and should lead by example when it comes to creating innovative ways to reduce greenhouse gas emissions, increase energy efficiency, conserve water, reduce waste, and use environmentally-responsible products and technologies,” said President Obama. “This Executive Order builds on the momentum of the Recovery Act to help create a clean energy economy and demonstrates the Federal government’s commitment, over and above what is already being done, to reducing emissions and saving money.”

The Federal government occupies nearly 500,000 buildings, operates more than 600,000 vehicles, employs more than 1.8 million civilians, and purchases more than \$500 billion per year in goods and services. The Executive Order builds on and expands the energy reduction and environmental requirements of Executive Order 13423 by making reductions of greenhouse gas emissions a priority of the Federal government, and by requiring agencies to develop sustainability plans focused on cost-effective projects and programs.

Projected benefits to the taxpayer include substantial energy savings and avoided costs from improved efficiency. The Executive Order was developed by the Council on Environmental Quality (CEQ), the Office of Management and Budget (OMB) and the Office of the Federal Environmental Executive, with input from the Federal agencies that are represented on the Steering Committee established by Executive Order 13423.

The new Executive Order requires agencies to measure, manage, and reduce greenhouse gas emissions toward agency-defined targets. It describes a process by which agency goals will be set and reported to the President by the Chair of CEQ. The Executive Order also requires agencies to meet a number of energy, water, and waste reduction targets, including:

- 30% reduction in vehicle fleet petroleum use by 2020;

- 26% improvement in water efficiency by 2020;

- 50% recycling and waste diversion by 2015;

- 95% of all applicable contracts will meet sustainability requirements;

- Implementation of the 2030 net-zero-energy building requirement;

- Implementation of the stormwater provisions of the Energy Independence and Security Act of 2007, section 438; and

- Development of guidance for sustainable Federal building locations in alignment with the Livability Principles put forward by the Department of Housing and Urban Development, the Department of Transportation, and the Environmental Protection Agency.

Implementation of the Executive Order will focus on integrating achievement of sustainability goals with agency mission and strategic planning to optimize performance and minimize implementation costs. Each agency will develop and carry out an integrated Strategic Sustainability Performance Plan that prioritizes the agency’s actions toward the goals of the Executive Order based on lifecycle return on investments. Implementation will be managed through the previously-established Office of the Federal Environmental Executive, working in close partnership with OMB, CEQ and the agencies.

Examples of Federal employees and their facilities promoting environmental stewardship exist throughout the country. The U.S. Department of Veterans Affairs National Energy Business Center has recently awarded a design-build contract for a wind turbine electric generation system to serve their Medical Center in St. Cloud, Minnesota. The 600-kW turbine installation, to be completed in spring 2011, is projected to supply up to 15 percent of the facility’s annual electricity usage.

The U.S. General Services Administration's Denver Federal Center (DFC) in Lakewood, Colorado will be installing an 8 megawatt photovoltaic system as part of a large modernization effort. The primary goal of the project is to provide a reliable utility infrastructure to service tenant agencies for the next 50 years. This facility will feed renewable energy back into the grid at night and cover 30-40 acres.

Many federal agencies have received recognition for their work to integrate environmental considerations into their daily operations and management decisions including: the Air Force Sheppard Air Force Base in Texas for their "Sheppard Puts the R in Recycling" program, the Department of Treasury for their petroleum use reduction, the Department of Energy Y-12 National Security Complex in Tennessee for pollution prevention, the United States Postal Service for their Green Purchasing Program, U.S. Department of Agriculture "Sowing the Seeds for Change" Extreme Makeover Team in Deer River Ranger District in Minnesota; and the Department of Health & Human Services National Institutes of Health in Maryland for their laboratory decommissioning protocol.

###

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Seth Oster/OU=DC/O=USEPA/C=US  
**Sent:** Mon 10/5/2009 9:16:13 PM  
**Subject:** Fw: WaPo: Apple Leaving Chamber of Commerce Over Climate Change

Idea..

Deliberative

# Deliberative

Seth

Seth Oster  
Associate Administrator  
Office of Public Affairs  
Environmental Protection Agency  
(202) 564-1918  
oster.seth@epa.gov

----- Forwarded by Seth Oster/DC/USEPA/US on 10/05/2009 05:14 PM -----

**From:** Adora Andy/DC/USEPA/US  
**To:** Richard Windsor/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Allyn Brooks-LaSure/DC/USEPA/US@EPA  
**Cc:** Betsaida Alcantara/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Michael Moats/DC/USEPA/US@EPA  
**Date:** 10/05/2009 05:08 PM  
**Subject:** WaPo: Apple Leaving Chamber of Commerce Over Climate Change

Apple Leaving Chamber of Commerce Over Climate Change

By David A. Fahrenthold

Washington Post Staff Writer

Monday, October 5, 2009 4:49 PM

Apple Inc. is pulling out of the U.S. Chamber of Commerce because of the chamber's strident criticism of plans to reduce U.S. greenhouse-gas emissions, the computer giant said Monday.

In a letter to the chamber of commerce's president, Apple vice president Catherine Novelli wrote that "Apple supports regulating greenhouse gas emissions, and it is frustrating to find the Chamber at odds with us in this effort." As a result, Novelli said, "we have decided to resign our membership effective immediately."

The Chamber of Commerce, which says it represents more than 3 million businesses, has been one of the strongest critics of legislation aimed at reducing U.S. emissions.

Last week, the group's president, Thomas J. Donohue, said in a statement that his group supports "strong federal legislation" to protect the climate. But he said legislation passed by the U.S. House of Representatives -- which would use a "cap and trade" system to lower the cost of reducing emissions -- was flawed because it does not require other polluting countries to act, and does too little to spur U.S. investment in green technologies.

A spokesman for the chamber, asked Monday about Apple's decision, referred a reporter to last week's statement.

Apple's decision makes it the fourth company in several weeks to pull out because of the chamber's climate policy, said Pete Altman, a Natural Resources Defense Council activist who has been tracking the dispute. The others have been power utilities Pacific Gas and Electric and PNM Resources, as well as power generator Exelon.

In addition, Nike resigned its position on the chamber's board, but not its membership.

"What we're seeing is the chamber is clearly out of step with more and more companies," said Altman, whose group supports the greenhouse-gas legislation passed earlier this summer by the U.S. House of Representatives. A similar bill was introduced last week in the Senate.

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Seth Oster/OU=DC/O=USEPA/C=US  
**Sent:** Mon 10/5/2009 9:28:08 PM  
**Subject:** Re: Fw: WaPo: Apple Leaving Chamber of Commerce Over Climate Change

Yup {  
**Deliberative**

Seth Oster  
Associate Administrator  
Office of Public Affairs  
Environmental Protection Agency  
(202) 564-1918  
oster.seth@epa.gov

**From:** Richard Windsor/DC/USEPA/US  
**To:** "Seth Oster" <oster.seth@epa.gov>  
**Date:** 10/05/2009 05:10 PM  
**Subject:** Fw: WaPo: Apple Leaving Chamber of Commerce Over Climate Change

----- Original Message -----

**From:** Adora Andy  
**Sent:** 10/05/2009 05:08 PM EDT  
**To:** Richard Windsor; Bob Sussman; Lisa Heinzerling; David McIntosh; Arvin Ganesan; Seth Oster; Allyn Brooks-LaSure  
**Cc:** Betsaida Alcantara; Brendan Gilfillan; Michael Moats  
**Subject:** WaPo: Apple Leaving Chamber of Commerce Over Climate Change  
Apple Leaving Chamber of Commerce Over Climate Change  
By David A. Fahrenthold  
Washington Post Staff Writer  
Monday, October 5, 2009 4:49 PM

Apple Inc. is pulling out of the U.S. Chamber of Commerce because of the chamber's strident criticism of plans to reduce U.S. greenhouse-gas emissions, the computer giant said Monday.

In a letter to the chamber of commerce's president, Apple vice president Catherine Novelli wrote that "Apple supports regulating greenhouse gas emissions, and it is frustrating to find the Chamber at odds with us in this effort." As a result, Novelli said, "we have decided to resign our membership effective immediately."

The Chamber of Commerce, which says it represents more than 3 million businesses, has been one of the strongest critics of legislation aimed at reducing U.S. emissions.

Last week, the group's president, Thomas J. Donohue, said in a statement that his group supports "strong federal legislation" to protect the climate. But he said legislation passed by the U.S. House of Representatives -- which would use a "cap and trade" system to lower the cost of reducing emissions -- was flawed because it does not require other polluting countries to act, and does too little to spur U.S. investment in green technologies.

A spokesman for the chamber, asked Monday about Apple's decision, referred a reporter to last week's statement. Apple's decision makes it the fourth company in several weeks to pull out because of the chamber's climate policy, said Pete Altman, a Natural Resources Defense Council activist who has been tracking the dispute. The others have been power utilities Pacific Gas and Electric and PNM Resources, as well as power generator Exelon.

In addition, Nike resigned its position on the chamber's board, but not its membership.

"What we're seeing is the chamber is clearly out of step with more and more companies," said Altman, whose group supports the greenhouse-gas legislation passed earlier this summer by the U.S. House of Representatives. A similar bill was introduced last week in the Senate.

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Gina McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Craig Hooks/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Adora Andy/OU=DC/O=USEPA/C=US@EPA;CN=Sarah Pallone/OU=DC/O=USEPA/C=US@EPA[]; N=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Gina McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Craig Hooks/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Adora Andy/OU=DC/O=USEPA/C=US@EPA;CN=Sarah Pallone/OU=DC/O=USEPA/C=US@EPA[]; N=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Gina McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Craig Hooks/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Adora Andy/OU=DC/O=USEPA/C=US@EPA;CN=Sarah Pallone/OU=DC/O=USEPA/C=US@EPA[]; N=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Gina McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Craig Hooks/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Adora Andy/OU=DC/O=USEPA/C=US@EPA;CN=Sarah Pallone/OU=DC/O=USEPA/C=US@EPA[]; N=Gina McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=David



McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Scott  
 Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Craig  
 Hooks/OU=DC/O=USEPA/C=US@EPA;CN=Robert  
 Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Bob  
 Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-  
 LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Adora  
 Andy/OU=DC/O=USEPA/C=US@EPA;CN=Sarah Pallone/OU=DC/O=USEPA/C=US@EPA[];  
 N=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Scott  
 Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Craig  
 Hooks/OU=DC/O=USEPA/C=US@EPA;CN=Robert  
 Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Bob  
 Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-  
 LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Adora  
 Andy/OU=DC/O=USEPA/C=US@EPA;CN=Sarah Pallone/OU=DC/O=USEPA/C=US@EPA[];  
 N=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Craig  
 Hooks/OU=DC/O=USEPA/C=US@EPA;CN=Robert  
 Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Bob  
 Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-  
 LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Adora  
 Andy/OU=DC/O=USEPA/C=US@EPA;CN=Sarah Pallone/OU=DC/O=USEPA/C=US@EPA[];  
 N=Craig Hooks/OU=DC/O=USEPA/C=US@EPA;CN=Robert  
 Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Bob  
 Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-  
 LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Adora  
 Andy/OU=DC/O=USEPA/C=US@EPA;CN=Sarah Pallone/OU=DC/O=USEPA/C=US@EPA[];  
 N=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Bob  
 Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-  
 LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Adora  
 Andy/OU=DC/O=USEPA/C=US@EPA;CN=Sarah Pallone/OU=DC/O=USEPA/C=US@EPA[];  
 N=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-  
 LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Adora  
 Andy/OU=DC/O=USEPA/C=US@EPA;CN=Sarah Pallone/OU=DC/O=USEPA/C=US@EPA[];  
 N=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Adora  
 Andy/OU=DC/O=USEPA/C=US@EPA;CN=Sarah Pallone/OU=DC/O=USEPA/C=US@EPA[];  
 N=Adora Andy/OU=DC/O=USEPA/C=US@EPA;CN=Sarah  
 Pallone/OU=DC/O=USEPA/C=US@EPA[]; N=Sarah Pallone/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Seth Oster/OU=DC/O=USEPA/C=US  
**Sent:** Tue 10/6/2009 4:20:06 PM  
**Subject:** Daily Show Clip - Cap 'n Trade

If you're interested in watching the clip from the "Daily Show with Jon Stewart" from last night where he made fun of Kerry and Boxer about the new nomenclature that Kerry is pushing for Cap 'n Trade, click on the link below.

Mid page, under the video box, under "Coming Soon" click on "Carbon Copout."

<http://www.thedailyshow.com/>

Seth Oster  
 Associate Administrator  
 Office of Public Affairs  
 Environmental Protection Agency

(202) 564-1918  
oster.seth@epa.gov

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=David McIntosh/OU=DC/O=USEPA/C=US  
**Sent:** Tue 10/6/2009 6:20:25 PM  
**Subject:** description of EPA modeling process/timeline

Administrator: Pasted below is the short memo that I said I would send you.

**Deliberative**

**Deliberative**

**To:** CN=William Early/OU=R3/O=USEPA/C=US[]  
**Cc:** CN=Bharat Mathur/OU=R5/O=USEPA/C=US@EPA;CN=Cindy  
Cook/OU=R3/O=USEPA/C=US@EPA;CN=Gregory  
Peck/OU=DC/O=USEPA/C=US@EPA;CN=Mike  
Shapiro/OU=DC/O=USEPA/C=US@EPA;CN=Peter  
Silva/OU=DC/O=USEPA/C=US@EPA;CN=Stan  
Meiburg/OU=R4/O=USEPA/C=US@EPA;CN=Suzanne  
Schwartz/OU=DC/O=USEPA/C=US@EPA[]; N=Cindy  
Cook/OU=R3/O=USEPA/C=US@EPA;CN=Gregory  
Peck/OU=DC/O=USEPA/C=US@EPA;CN=Mike  
Shapiro/OU=DC/O=USEPA/C=US@EPA;CN=Peter  
Silva/OU=DC/O=USEPA/C=US@EPA;CN=Stan  
Meiburg/OU=R4/O=USEPA/C=US@EPA;CN=Suzanne  
Schwartz/OU=DC/O=USEPA/C=US@EPA[]; N=Gregory  
Peck/OU=DC/O=USEPA/C=US@EPA;CN=Mike  
Shapiro/OU=DC/O=USEPA/C=US@EPA;CN=Peter  
Silva/OU=DC/O=USEPA/C=US@EPA;CN=Stan  
Meiburg/OU=R4/O=USEPA/C=US@EPA;CN=Suzanne  
Schwartz/OU=DC/O=USEPA/C=US@EPA[]; N=Mike  
Shapiro/OU=DC/O=USEPA/C=US@EPA;CN=Peter  
Silva/OU=DC/O=USEPA/C=US@EPA;CN=Stan  
Meiburg/OU=R4/O=USEPA/C=US@EPA;CN=Suzanne  
Schwartz/OU=DC/O=USEPA/C=US@EPA[]; N=Peter  
Silva/OU=DC/O=USEPA/C=US@EPA;CN=Stan  
Meiburg/OU=R4/O=USEPA/C=US@EPA;CN=Suzanne  
Schwartz/OU=DC/O=USEPA/C=US@EPA[]; N=Stan  
Meiburg/OU=R4/O=USEPA/C=US@EPA;CN=Suzanne  
Schwartz/OU=DC/O=USEPA/C=US@EPA[]; N=Suzanne  
Schwartz/OU=DC/O=USEPA/C=US@EPA[]

**Bcc:** CN=Richard Windsor/OU=DC/O=USEPA/C=US[]

**From:** CN=Bob Sussman/OU=DC/O=USEPA/C=US

**Sent:** Tue 10/6/2009 9:47:50 PM

**Subject:** Re: Fw: Groups Charge Environmental Injustice in Appalachia

[View a web version of this email.](#)

[Press Room: For Immediate Release](#)

[View](#)

[Click here to sign up for Raw](#)

[Sierra Club](#)

[Change Media Type](#)

[Contact Us](#)

[Visit the Press Room](#)

[Update My Profile](#)

[Manage My Email Preferences](#)

[Update My Interests](#)

[Unsubscribe](#)

[\(embedded image\)](#)

[\(embedded image\)](#)

[\(embedded image\)](#)

[\(embedded image\)](#)

[\(embedded image\)](#)

[\(embedded image\)](#)

Obviously we want to review this very carefully. Perhaps we can discuss on one of our upcoming bi-weekly MTM calls. The petition has implications for the ECP process so addressing it sooner rather than later seems desirable.

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

From: William Early/R3/USEPA/US  
To: Bob Sussman/DC/USEPA/US@EPA, Gregory Peck/DC/USEPA/US@EPA, Peter Silva/DC/USEPA/US@EPA, Mike Shapiro/DC/USEPA/US@EPA, Suzanne Schwartz/DC/USEPA/US@EPA  
Cc: Stan Meiburg/R4/USEPA/US@EPA, Bharat Mathur/R5/USEPA/US@EPA, Cindy Cook/R3/USEPA/US@EPA  
Date: 10/06/2009 12:56 PM  
Subject: Fw: Groups Charge Environmental Injustice in Appalachia

Attached below is the EJ MTM petition that I mentioned during the briefing on the WV withdrawal petition. I have not read the petition in its entirety, but am told it makes includes Regions III, IV and V.

Thanks.

William C. Early  
Acting Regional Administrator  
Middle Atlantic Region  
U. S. Environmental Protection Agency  
215 814 2626  
215 814 2603 (Fax)  
Early.William@epa.gov

----- Forwarded by William Early/R3/USEPA/US on 10/06/2009 09:58 AM -----

Charles Lee/DC/USEPA/US  
10/06/2009 04:37 AM  
To William Early/R3/USEPA/US, Jim Newsom/R3/USEPA/US, John Armstead/R3/USEPA/US@EPA, Samantha Beers/R3/USEPA/US@EPA, John Pomponio/R3/USEPA/US@EPA, Reggie Harris/R3/USEPA/US  
cc Heather Case/DC/USEPA/US@EPA, Suzi Ruhl/DC/USEPA/US@EPA, Arati Tripathi/DC/USEPA/US@EPA, Kent Benjamin/DC/USEPA/US@EPA, Mustafa Ali/DC/USEPA/US@EPA, Catherine McCabe/DC/USEPA/US@EPA  
Subject Fw: Groups Charge Environmental Injustice in Appalachia

Hi Everyone

You probably have seen this. But in case you have not, this is a petition from the Sierra Club on MTM citing EO 12898 and other authorities. From first glance, it is pretty wide ranging. I will call John and Samantha ASAP to make sure we are coordinating properly. I think this is a pretty big deal.

Charles

\*\*\*\*\*

Charles Lee  
Director  
Office of Environmental Justice

U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW (MC 2201A)  
Ariel Rios Building South, Room 2226  
Tel: 202-564-2597  
Fax: 202-564-1624

NOTICE: This communications may contain privileged or other confidential information. If you are not the intended recipient, or believe that you have received this communications in error, please delete the copy you received and do not print, copy, retransmit, disseminate, or otherwise use the information contained herein. Thank you.

----- Forwarded by Charles Lee/DC/USEPA/US on 10/06/2009 04:27 AM -----

From: Bonnie Piper/DC/USEPA/US  
To: Owens.Stephanie@epamail.epa.gov, Oster.Seth@epamail.epa.gov, Brooks-LaSure.Allyn@epamail.epa.gov, Andy.Adora@epamail.epa.gov, Sussman.Bob@epamail.epa.gov, Peck.Gregory@epamail.epa.gov, Silva.Peter@epamail.epa.gov, Lee.Charles@epamail.epa.gov, "Mike Shapiro" <Shapiro.Mike@epamail.epa.gov>, "Amy Dewey" <Dewey.Amy@epamail.epa.gov>, "Doretta Reaves" <Reaves.Doretta@epamail.epa.gov>, "Macara Lousberg" <Lousberg.Macara@epamail.epa.gov>, "Bonnie Piper" <Piper.Bonnie@epamail.epa.gov>  
Date: 10/05/2009 02:46 PM  
Subject: Fw: Groups Charge Environmental Injustice in Appalachia

Bonnie Piper  
Liaison to Environmental Organizations  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460  
Office: 202 564-7836  
Email: piper.bonnie@epa.gov

From: "Virginia Cramer, Sierra Club" [virginia.cramer@sierraclub.org]  
Sent: 10/05/2009 01:35 PM EST  
To: Bonnie Piper  
Subject: Groups Charge Environmental Injustice in Appalachia

[View a web version of this email.](#)

October 5, 2009  
Contact: Virginia Cramer, Sierra Club, (804) 225-9113x102

Groups Charge that Mountaintop Removal Coal Mining Disproportionately Impacts Low-Income Americans

Petition Seeks Greater Attention to Environmental Justice Considerations in Review of Mining Permits

Washington, D.C.: Today a coalition of Appalachian residents and community organizations submitted a petition to the Environmental Protection Agency (EPA) citing the need for the agency to address the environmental justice tragedy of mountaintop removal mining in Appalachia. The petition urges EPA to incorporate environmental justice considerations into its review of pending applications for mountaintop removal coal mining permits, among other actions. The petition outlines how EPA has the responsibility under Executive Order 12898 to address the environmental justice impacts of mountaintop removal mining, and has the authority under the Clean Water Act, the Clean Air Act, the National Environmental Policy Act, and other laws, to do so.

"The worst polluters have always targeted the communities least able to resist their abuses and protect their homes and families," said Vernon Haltom of Coal River Mountain Watch. "In Appalachia, coal companies are oppressing residents while they suck the wealth out of communities."

On September 30, 2009, EPA announced that it is undertaking a coordinated review of 79 applications for mountaintop removal mining permits in conjunction with the U.S. Army Corps of Engineers. Today's petition asserts that these, and all future applications for mountaintop removal coal mining permits, should be scrutinized by EPA to identify and address any disparate impacts the proposed mining may have on vulnerable, economically disadvantaged communities. The petition also asks EPA to create an environmental justice plan and strategy for the region, and to ensure a meaningful opportunity for public participation by the Appalachian coalfield communities in each individual permit review and in EPA's overall permit review process.

"The people of the Appalachian coal fields are among the nation's poorest. Many of us struggle with persistent poverty and sub-standard housing. To impose the impacts of coal on our already vulnerable population is an environmental justice issue that our nation has conveniently ignored for too long. We are forced to live with the ravaged landscape, polluted air, flooding and contaminated water. Clean water is a basic human right and it's been taken from us," said Teri Blanton of Kentuckians for the Commonwealth.

"The Appalachian people have long suffered unduly for the sacrifices we have made to fuel this nation and its progress," said Kathy Selvage of Southern Appalachian Mountain Stewards. "I believe if the EPA folks visited in the Appalachian region for awhile, they would find themselves standing in the West Wing advocating for an end to mountaintop removal coal mining immediately to help us save our ancient mountains and the place we call home."

View the petition, filed by groups including: Coal River Mountain Watch, Kentuckians For The Commonwealth (KFTC), Ohio Valley Environmental Coalition (OVEC), Sierra Club's Environmental Justice and Community Partnerships Program, Southern Appalachian Mountain Stewards (SAMS), Statewide Organizing for Community eMpowerment (SOCM), and the Appalachian Center for the Economy and the Environment.

"The communities of Appalachia have suffered appalling damage from mountaintop removal mining because of the remoteness of the region and the poverty of the people living here. It is past time to acknowledge the horrendous impacts of all forms of mountaintop removal mining on the people of Appalachia. Our communities have struggled long enough. We need action now," said Cathie Bird, coalfield resident and member of Statewide Organizing for Community eMpowerment

"We urge the EPA to scrutinize all mountaintop removal mining permits through the lens of environmental justice," said Janet Keating, Executive Director of the Ohio Valley Environmental Coalition, based in Huntington, WV. "People living with mountaintop removal are paying too high of a price for the nation's so-called 'cheap' energy, including damage to their health and the contamination of their water."

Due to its vital charge under Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," the EPA must take immediate steps to recognize and address the environmental justice effects of mountaintop removal mining, a destructive practice that is occurring at a high and destructive rate and only in the economically disadvantaged communities of Appalachia. The disproportionate environmental destruction from mountaintop removal clearly falls within the purview of the Executive Order.

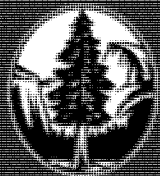


"The environmental justice claims in this petition are not an afterthought," said Leslie Fields, Sierra Club's National Environmental Justice and Community Partnerships Director. "Proper review of permits will only occur when the EPA abides by the environmental justice executive order and all other applicable laws. The affected communities in Appalachia deserve no less than full compliance and enforcement by the EPA."

###

[Sierra Club](#) | [85 Second St., San Francisco, CA 94105](#) | [Change Media Type](#) | [Contact Us](#) | [Visit the Press Room](#)

[Update My Profile](#) | [Manage My Email Preferences](#) | [Update My Interests](#) | [Unsubscribe](#)



SIERRA  
CLUB  
FOUNDED 1892

FOR IMMEDIATE RELEASE

the Press Room

**Explore, enjoy and protect the planet**



RAW: Uncooked Truth,  
Beyond Belief.



**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA[]; N=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA[]; N=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA[]; N=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA[]; N=Seth Oster/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA[]; N=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=Betsaida Alcantara/OU=DC/O=USEPA/C=US@EPA;CN=Brendan Gilfillan/OU=DC/O=USEPA/C=US@EPA;CN=Michael Moats/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA[]; N=Brendan Gilfillan/OU=DC/O=USEPA/C=US@EPA;CN=Michael Moats/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA[]; N=Michael Moats/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA[]; N=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Adora Andy/OU=DC/O=USEPA/C=US  
**Sent:** Tue 10/6/2009 10:21:40 PM  
**Subject:** EPW RELEASE: EPA ENDANGERMENT FINDING RELIED ON FLAWED DATA  
[Matt\\_Dempsey@epw.senate.gov](mailto:Matt_Dempsey@epw.senate.gov)  
[David\\_Lungren@epw.senate.gov](mailto:David_Lungren@epw.senate.gov)  
[Link to Press Release](#)  
[recently asked EPA Administrator Lisa Jackson](#)  
[WATCH: Inhofe on Kudlow Speaks About Obama Backdoor Energy Tax](#)  
[Inhofe, Barrasso Urge EPA to Provide Answers Before Finalizing EPA Endangerment Finding](#)  
[Carlin Investigation Continues: Inhofe, Barrasso Send Letter to EPA On Possible Manipulation of Endangerment Finding](#)  
[Inhofe, Barrasso Question EPA Commitment to Transparency](#)

From Inhofe and Barrasso:

NEW PETITION SHOWS EPA ENDANGERMENT FINDING RELIED ON FLAWED DATA  
Tuesday, October 6, 2009  
Contact:  
Matt Dempsey [Matt\\_Dempsey@epw.senate.gov](mailto:Matt_Dempsey@epw.senate.gov) (202)224-9797  
David Lungren [David\\_Lungren@epw.senate.gov](mailto:David_Lungren@epw.senate.gov) (202)224-5642  
NEW PETITION SHOWS EPA ENDANGERMENT FINDING RELIED ON FLAWED DATA  
Inhofe, Barrasso Urge Jackson to Reopen Public Comment Process  
[Link to Press Release](#)

Washington, D.C.-Senator James Inhofe (R-Okla.), Ranking Member of the Senate Environment and Public Works Committee, and Senator John Barrasso (R-Wyo.), Ranking Member of EPW's Oversight Subcommittee, called on EPA to reopen the public process for the agency's endangerment finding for greenhouse gases in light of the finding that a crucial scientific data set was destroyed. In a petition filed by a non-profit organization, the evidence is clear that EPA is relying on scientific information for its endangerment finding that could very well be seriously flawed.

Inhofe and Barrasso recently asked EPA Administrator Lisa Jackson to respond to requests about transparency and openness in the scientific process used to develop the endangerment finding. Thus far, the agency has ignored their request. The following is the reaction from the senators to today's development:

Sen. Inhofe: "It's astonishing that EPA, so confident in the scientific integrity of its work, refuses to be transparent with the public about the most consequential rulemaking of our time. Now the evidence shows that scientists interested in testing some of EPA's assertions can't engage in basic scientific work, such as assuring reproducibility and objectivity, because the data they seek have been destroyed. In order to conform to federal law and basic standards of scientific integrity, EPA must reopen the record so the public can judge whether EPA's claims are based on the best available scientific information."

Sen. Barrasso: "It's disturbing to learn that the data used for the EPA's finding no longer exists. If true, the agency needs to reopen the comment period or withdraw the rule and start over."

Related:

WATCH: Inhofe on Kudlow Speaks About Obama Backdoor Energy Tax

Inhofe, Barrasso Urge EPA to Provide Answers Before Finalizing EPA Endangerment Finding

Carlin Investigation Continues: Inhofe, Barrasso Send Letter to EPA On Possible Manipulation of Endangerment Finding

Inhofe, Barrasso Question EPA Commitment to Transparency

FOXNEWS: Republicans are raising questions about why the EPA apparently dismissed an analyst's report questioning the science behind global warming

###

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA[]; N=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA[]; N=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA[]; N=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=Brendan Gilfillan/OU=DC/O=USEPA/C=US@EPA;CN=Betsaida Alcantara/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA;CN=Michael Moats/OU=DC/O=USEPA/C=US@EPA[]; N=Betsaida Alcantara/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA;CN=Michael Moats/OU=DC/O=USEPA/C=US@EPA[]; N=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA;CN=Michael Moats/OU=DC/O=USEPA/C=US@EPA[]; N=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA;CN=Michael Moats/OU=DC/O=USEPA/C=US@EPA[]; N=Seth Oster/OU=DC/O=USEPA/C=US@EPA;CN=Michael Moats/OU=DC/O=USEPA/C=US@EPA[]; N=Michael Moats/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Adora Andy/OU=DC/O=USEPA/C=US  
**Sent:** Tue 10/6/2009 10:27:41 PM  
**Subject:** CEI: GOV-FUNDED RESEARCH UNIT DESTROYED CLIMATE DATA  
CEI petition to the EPA  
The Dog Ate Global Warming

I'm sending you this stuff because Greenwire/NYT is asking for comment by tomorrow morning. Working on that now, but just a heads up:

Competitive Enterprise Institute:  
Govt-Funded Research Unit Destroyed Original Climate Data  
CEI Petitions EPA to Reopen Global Warming Rulemaking  
Washington, D.C., October 6, 2009—In the wake of a revelation by a key research institution that it destroyed its original climate data, the Competitive Enterprise Institute petitioned EPA to reopen a major global warming proceeding.  
In mid-August the University of East Anglia's Climate Research Unit (CRU) disclosed that it had destroyed the raw data for its global surface temperature data set because of an alleged lack of storage space. The CRU data have been the basis for several of the major international studies that claim we face a global warming crisis. CRU's destruction of data, however, severely undercuts the credibility of those studies. In a declaration filed with CEI's petition, Cato Institute scholar and climate scientist Patrick Michaels calls CRU's revelation "a totally new element" that "violates basic scientific principles, and "throws even more doubt" on the claims of global warming alarmists.  
CEI's petition, filed late Monday with EPA, argues that CRU's disclosure casts a new cloud of doubt on the science behind EPA's proposal to regulate carbon dioxide. EPA stopped accepting public comments in late June but has not yet issued its final decision. As CEI's petition argues, court rulings make it clear that agencies must consider new facts when those facts change the underlying issues.  
CEI general counsel Sam Kazman stated, "EPA is resting its case on international studies that in turn relied on CRU data. But CRU's suspicious destruction of its original data, disclosed at this late date, makes that

information totally unreliable. If EPA doesn't reexamine the implications of this, it's stumbling blindly into the most important regulatory issue we face."

Among CRU's funders are the EPA and the U.S. Department of Energy – U.S. taxpayers.

> Read the CEI petition to the EPA.

> Read more about the data dump: The Dog Ate Global Warming, by Patrick J. Michaels.

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov



**To:** CN=Adora Andy/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Betsaida Alcantara/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Brendan Gilfillan/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Michael Moats/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA[]; N=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Betsaida Alcantara/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Brendan Gilfillan/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Michael Moats/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA[]; N=Betsaida Alcantara/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Brendan Gilfillan/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Michael Moats/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA[]; N=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Brendan Gilfillan/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Michael Moats/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA[]; N=Brendan Gilfillan/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Michael Moats/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA[]; N=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Michael Moats/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA[]; N=Michael Moats/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA[]; N=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA[]; N=Seth Oster/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=David McIntosh/OU=DC/O=USEPA/C=US  
**Sent:** Tue 10/6/2009 10:34:30 PM  
**Subject:** Re: CEI: GOV-FUNDED RESEARCH UNIT DESTROYED CLIMATE DATA  
[CEI petition to the EPA](#)  
[The Dog Ate Global Warming](#)

According to CEI's own petition, the entire thing seems to rest on this statement from someone at the University of East Anglia's Climate Research Unit (CRU): "... Since the 1980s, we have merged the data we have received into existing series or begun new ones, so it is impossible to say if all stations within a particular country or if all of an individual record should be freely available. Data storage availability in the 1980s meant that we were not able to keep the multiple sources for some sites, only the station series after adjustment for homogeneity issues. We, therefore, do not hold the original raw data but only the value-added (i.e. quality controlled and homogenized) data."

From: Adora Andy/DC/USEPA/US

To: Richard Windsor/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA  
Cc: Brendan Gilfillan/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA, Allyn Brooks-LaSure/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Michael Moats/DC/USEPA/US@EPA  
Date: 10/06/2009 06:27 PM  
Subject: CEI: GOV-FUNDED RESEARCH UNIT DESTROYED CLIMATE DATA

I'm sending you this stuff because Greenwire/NYT is asking for comment by tomorrow morning. Working on that now, but just a heads up:

Competitive Enterprise Institute:

Govt-Funded Research Unit Destroyed Original Climate Data

CEI Petitions EPA to Reopen Global Warming Rulemaking

Washington, D.C., October 6, 2009—In the wake of a revelation by a key research institution that it destroyed its original climate data, the Competitive Enterprise Institute petitioned EPA to reopen a major global warming proceeding.

In mid-August the University of East Anglia's Climate Research Unit (CRU) disclosed that it had destroyed the raw data for its global surface temperature data set because of an alleged lack of storage space. The CRU data have been the basis for several of the major international studies that claim we face a global warming crisis. CRU's destruction of data, however, severely undercuts the credibility of those studies.

In a declaration filed with CEI's petition, Cato Institute scholar and climate scientist Patrick Michaels calls CRU's revelation "a totally new element" that "violates basic scientific principles, and "throws even more doubt" on the claims of global warming alarmists.

CEI's petition, filed late Monday with EPA, argues that CRU's disclosure casts a new cloud of doubt on the science behind EPA's proposal to regulate carbon dioxide. EPA stopped accepting public comments in late June but has not yet issued its final decision. As CEI's petition argues, court rulings make it clear that agencies must consider new facts when those facts change the underlying issues.

CEI general counsel Sam Kazman stated, "EPA is resting its case on international studies that in turn relied on CRU data. But CRU's suspicious destruction of its original data, disclosed at this late date, makes that information totally unreliable. If EPA doesn't reexamine the implications of this, it's stumbling blindly into the most important regulatory issue we face."

Among CRU's funders are the EPA and the U.S. Department of Energy – U.S. taxpayers.

> Read the CEI petition to the EPA.

> Read more about the data dump: The Dog Ate Global Warming, by Patrick J. Michaels.

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov

**To:** "Richard Windsor" [Windsor.Richard@epamail.epa.gov]  
**Cc:** "David McIntosh" [mcintosh.david@epa.gov]; Bob Perciasepe" [Perciasepe.Bob@epamail.epa.gov]  
**From:** CN=Arvin Ganesan/OU=DC/O=USEPA/C=US  
**Sent:** Wed 10/7/2009 2:15:18 PM  
**Subject:** Fw: Today's Wash Post on Noms  
<http://thehill.com/opinion/op-ed/61849-holds-delays-on-cabinet-picks-hurting-american-businesses>  
[holding up](#)  
[a letter](#)  
[blocking confirmation](#)  
[we will not consent](#)

Fyi.

Sent from my Blackberry Wireless Device

From: "Kennedy, Sean D." **Personal Privacy**  
Sent: 10/07/2009 10:10 AM AST  
To: undisclosed-recipients:  
Subject: Today's Wash Post on Noms

Part of our new charm offensive... also, there's an op-ed in The Hill: <http://thehill.com/opinion/op-ed/61849-holds-delays-on-cabinet-picks-hurting-american-businesses>

Advise and Stall  
Senate Republicans Are Holding Up Key Nominees

By Ruth Marcus  
Wednesday, October 7, 2009

Miriam Sapiro was nominated to be deputy U.S. trade representative in April. The Senate Finance Committee voted -- unanimously -- to confirm her in July.

She's still not in the job -- because Sen. Jim Bunning, Republican of Kentucky, is unhappy with the Canadian Parliament.

Seriously.

Bunning is upset about a measure pending before Canadian lawmakers that would restrict tobacco companies from adding candy flavorings to cigars and cigarettes. The measure is aimed at reducing youth smoking, but Kentucky lawmakers claim it would harm tobacco companies there -- and violate trade rules -- because chocolate is used as an additive to moderate the taste of Kentucky-grown burley tobacco.

So Bunning wants U.S. trade authorities to intervene, even though federal law restricts them from promoting tobacco use. And he is holding Sapiro hostage, leaving the trade office without a political appointee overseeing such crucial issues as the North American Free Trade Agreement, the Doha round of trade talks, and the pending trade agreements with Panama and Colombia.

Sapiro isn't alone. For all the bellyaching about the Obama administration's supposed excess of policymaking czars outside the normal appointment process, Senate Republicans have been blocking confirmation of a disturbing number of administration nominees, many for reasons having nothing to do with their suitability for their jobs.

No one has clean hands here. Slow-walking nominations is a bipartisan sport. Democrats also pulled this stunt -- often as a gambit to dislodge documents that they believed the Bush administration was improperly withholding. The Obama administration's quick start on making nominations has slowed to a trickle, lessening the pressure on the Senate to deal with the backlog. And, ultimately, Senate Majority Leader Harry Reid has the power to force a vote on a pending nomination -- if he wants to take the time to do it.

Nonetheless, that's no excuse for letting advise and consent degenerate into sit around and wait. Until Tuesday, when Tom Perez was confirmed as assistant attorney general for civil rights -- more than six months after being nominated -- five of 11 assistant attorney general positions were unfilled.

Some other examples:

-- Missouri Republican Kit Bond is holding up confirmation of Martha Johnson, the nominee to head the General Services Administration, because the agency has been balking at constructing a \$175 million federal building for Kansas City. Johnson's nomination has been languishing on the Senate floor since June.

-- Louisiana Republican David Vitter has a hold on Paul Anastas to be an assistant administrator of the Environmental Protection Agency until the EPA agrees to delay issuing regulations on formaldehyde, which has been classified as a probable human carcinogen. The irony of Vitter's hold is that one of the biggest potential problems with the chemical involves Hurricane Katrina survivors exposed to formaldehyde in FEMA trailers.

-- Meanwhile, Ohio Republican George Voinovich is holding up the nominee for EPA's deputy administrator, Robert Perciasepe, because Voinovich believes the EPA is underestimating the cost to households of climate change legislation. In a letter to EPA Administrator Lisa Jackson, Voinovich acknowledged that his hold is not "a reflection on Mr. Perciasepe's ability to perform in the role of the deputy administrator."

-- South Carolina Republican Jim DeMint is blocking confirmation of Arturo Valenzuela to be assistant secretary of state for the Western Hemisphere because Valenzuela had the temerity to call the military coup ousting Honduran President Manuel Zelaya a "classic military coup."

-- Eight Republican senators, including Minority Leader Mitch McConnell, warned Health and Human Services Secretary Kathleen Sebelius that "we will not consent" to Senate floor action on nearly a dozen nominations -- including the U.S. surgeon general -- until the department rescinds what they termed a "gag order" on health insurers.

-- Some nominations can't even get out of committee, with the Health, Education, Labor and Pensions (HELP) Committee a particular black hole. Two nominees for the National Labor Relations Board have been mired there since April. Patricia Smith, the nominee for solicitor of labor, is about to get a committee vote after having been stuck there since March.

Jackie Berrien was nominated in July to chair the Equal Employment Opportunity Commission, but Republicans have refused to act on her nomination until a pick for a Republican vacancy is named. Commissioner Christine Griffin has been confirmed to be deputy director of the Office of Personnel Management but can't leave to take that spot because the EEOC would be left without a quorum.

Being in the minority isn't fun. Gumming up the works with holds is one of the few ways to get attention -- and action. But it's no way to run a government.

**To:** CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** "David McIntosh" [mcintosh.david@epa.gov]; Richard Windsor"  
[Windsor.Richard@epamail.epa.gov]  
**From:** CN=Bob Perciasepe/OU=DC/O=USEPA/C=US  
**Sent:** Wed 10/7/2009 2:41:59 PM  
**Subject:** Re: Fw: Today's Wash Post on Noms  
<http://thehill.com/opinion/op-ed/61849-holds-delays-on-cabinet-picks-hurting-american-businesses>  
[holding up](#)  
[a letter](#)  
[blocking confirmation](#)  
[we will not consent](#)

Thanks you two

Perhaps we can connect later today on the real status of reconciling the model runs for SEPW.

Bob Perciasepe  
Office of the Administrator  
1200 Pennsylvania Ave., ARN  
202 564 2410

From: Arvin Ganesan/DC/USEPA/US  
To: "Richard Windsor" <Windsor.Richard@epamail.epa.gov>  
Cc: "David McIntosh" <mcintosh.david@epa.gov>, "Bob Perciasepe"  
<Perciasepe.Bob@epamail.epa.gov>  
Date: 10/07/2009 10:15 AM  
Subject: Fw: Today's Wash Post on Noms

Fyi.

Sent from my Blackberry Wireless Device

From: "Kennedy, Sean D." **Personal Privacy**  
Sent: 10/07/2009 10:10 AM AST  
To: undisclosed-recipients:  
Subject: Today's Wash Post on Noms

Part of our new charm offensive... also, there's an op-ed in The Hill: <http://thehill.com/opinion/op-ed/61849-holds-delays-on-cabinet-picks-hurting-american-businesses>

Advise and Stall  
Senate Republicans Are Holding Up Key Nominees

By Ruth Marcus  
Wednesday, October 7, 2009

Miriam Sapiro was nominated to be deputy U.S. trade representative in April. The Senate Finance Committee voted -- unanimously -- to confirm her in July.

She's still not in the job -- because Sen. Jim Bunning, Republican of Kentucky, is unhappy with the Canadian Parliament.

Seriously.

Bunning is upset about a measure pending before Canadian lawmakers that would restrict tobacco companies from adding candy flavorings to cigars and cigarettes. The measure is aimed at reducing youth smoking, but Kentucky lawmakers claim it would harm tobacco companies there -- and violate trade rules -- because chocolate is used as an additive to moderate the taste of Kentucky-grown burley tobacco.

So Bunning wants U.S. trade authorities to intervene, even though federal law restricts them from promoting tobacco use. And he is holding Sapiro hostage, leaving the trade office without a political appointee overseeing such crucial issues as the North American Free Trade Agreement, the Doha round of trade talks, and the pending trade agreements with Panama and Colombia.

Sapiro isn't alone. For all the bellyaching about the Obama administration's supposed excess of policymaking czars outside the normal appointment process, Senate Republicans have been blocking confirmation of a disturbing number of administration nominees, many for reasons having nothing to do with their suitability for their jobs.

No one has clean hands here. Slow-walking nominations is a bipartisan sport. Democrats also pulled this stunt -- often as a gambit to dislodge documents that they believed the Bush administration was improperly withholding. The Obama administration's quick start on making nominations has slowed to a trickle, lessening the pressure on the Senate to deal with the backlog. And, ultimately, Senate Majority Leader Harry Reid has the power to force a vote on a pending nomination -- if he wants to take the time to do it.

Nonetheless, that's no excuse for letting advise and consent degenerate into sit around and wait. Until Tuesday, when Tom Perez was confirmed as assistant attorney general for civil rights -- more than six months after being nominated -- five of 11 assistant attorney general positions were unfilled.

Some other examples:

-- Missouri Republican Kit Bond is holding up confirmation of Martha Johnson, the nominee to head the General Services Administration, because the agency has been balking at constructing a \$175 million federal building for Kansas City. Johnson's nomination has been languishing on the Senate floor since June.

-- Louisiana Republican David Vitter has a hold on Paul Anastas to be an assistant administrator of the Environmental Protection Agency until the EPA agrees to delay issuing regulations on formaldehyde, which has been classified as a probable human carcinogen. The irony of Vitter's hold is that one of the biggest potential problems with the chemical involves Hurricane Katrina survivors exposed to formaldehyde in FEMA trailers.

-- Meanwhile, Ohio Republican George Voinovich is holding up the nominee for EPA's deputy administrator, Robert Perciasepe, because Voinovich believes the EPA is underestimating the cost to households of climate change legislation. In a letter to EPA Administrator Lisa Jackson, Voinovich acknowledged that his hold is not "a reflection on Mr. Perciasepe's ability to perform in the role of the deputy administrator."

-- South Carolina Republican Jim DeMint is blocking confirmation of Arturo Valenzuela to be assistant secretary of state for the Western Hemisphere because Valenzuela had the temerity to call the military coup ousting Honduran

President Manuel Zelaya a "classic military coup."

-- Eight Republican senators, including Minority Leader Mitch McConnell, warned Health and Human Services Secretary Kathleen Sebelius that "we will not consent" to Senate floor action on nearly a dozen nominations -- including the U.S. surgeon general -- until the department rescinds what they termed a "gag order" on health insurers.

-- Some nominations can't even get out of committee, with the Health, Education, Labor and Pensions (HELP) Committee a particular black hole. Two nominees for the National Labor Relations Board have been mired there since April. Patricia Smith, the nominee for solicitor of labor, is about to get a committee vote after having been stuck there since March.

Jackie Berrien was nominated in July to chair the Equal Employment Opportunity Commission, but Republicans have refused to act on her nomination until a pick for a Republican vacancy is named. Commissioner Christine Griffin has been confirmed to be deputy director of the Office of Personnel Management but can't leave to take that spot because the EEOC would be left without a quorum.

Being in the minority isn't fun. Gumming up the works with holds is one of the few ways to get attention -- and action. But it's no way to run a government.



**To:** CN=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;"David McIntosh"  
[mcintosh.david@epa.gov]; David McIntosh" [mcintosh.david@epa.gov]; Richard Windsor"  
[Windsor.Richard@epamail.epa.gov]  
**From:** CN=David McIntosh/OU=DC/O=USEPA/C=US  
**Sent:** Wed 10/7/2009 2:50:34 PM  
**Subject:** Re: Fw: Today's Wash Post on Noms  
<http://thehill.com/opinion/op-ed/61849-holds-delays-on-cabinet-picks-hurting-american-businesses>  
[holding up](#)  
[a letter](#)  
[blocking confirmation](#)  
[we will not consent](#)

Here is the status: Yesterday Voinovich's staff told me that Voinovich will not drop his demand that EPA model a cost scenario in which biomass can't deploy and also model an emissions/temperature scenario in which the US does nothing but the rest of the G8 does what they have agreed to do.

**Deliberative**

# Deliberative

**From:** Bob Perciasepe/DC/USEPA/US  
**To:** Arvin Ganesan/DC/USEPA/US@EPA  
**Cc:** "David McIntosh" <mcintosh.david@epa.gov>, "Richard Windsor"  
<Windsor.Richard@epamail.epa.gov>  
**Date:** 10/07/2009 10:42 AM  
**Subject:** Re: Fw: Today's Wash Post on Noms

Thanks you two

Perhaps we can connect later today on the real status of reconciling the model runs for SEPW.

Bob Perciasepe  
Office of the Administrator  
1200 Pennsylvania Ave., ARN  
202 564 2410

**From:** Arvin Ganesan/DC/USEPA/US  
**To:** "Richard Windsor" <Windsor.Richard@epamail.epa.gov>  
**Cc:** "David McIntosh" <mcintosh.david@epa.gov>, "Bob Perciasepe"  
<Perciasepe.Bob@epamail.epa.gov>  
**Date:** 10/07/2009 10:15 AM  
**Subject:** Fw: Today's Wash Post on Noms

Fyi.

Sent from my Blackberry Wireless Device

From: "Kennedy, Sean D." [Personal Privacy]  
Sent: 10/07/2009 10:10 AM AST  
To: undisclosed-recipients:  
Subject: Today's Wash Post on Noms

Part of our new charm offensive... also, there's an op-ed in The Hill: <http://thehill.com/opinion/op-ed/61849-holds-delays-on-cabinet-picks-hurting-american-businesses>

Advise and Stall

Senate Republicans Are Holding Up Key Nominees

By Ruth Marcus

Wednesday, October 7, 2009

Miriam Sapiro was nominated to be deputy U.S. trade representative in April. The Senate Finance Committee voted -- unanimously -- to confirm her in July.

She's still not in the job -- because Sen. Jim Bunning, Republican of Kentucky, is unhappy with the Canadian Parliament.

Seriously.

Bunning is upset about a measure pending before Canadian lawmakers that would restrict tobacco companies from adding candy flavorings to cigars and cigarettes. The measure is aimed at reducing youth smoking, but Kentucky lawmakers claim it would harm tobacco companies there -- and violate trade rules -- because chocolate is used as an additive to moderate the taste of Kentucky-grown burley tobacco.

So Bunning wants U.S. trade authorities to intervene, even though federal law restricts them from promoting tobacco use. And he is holding Sapiro hostage, leaving the trade office without a political appointee overseeing such crucial issues as the North American Free Trade Agreement, the Doha round of trade talks, and the pending trade agreements with Panama and Colombia.

Sapiro isn't alone. For all the bellyaching about the Obama administration's supposed excess of policymaking czars outside the normal appointment process, Senate Republicans have been blocking confirmation of a disturbing number of administration nominees, many for reasons having nothing to do with their suitability for their jobs. No one has clean hands here. Slow-walking nominations is a bipartisan sport. Democrats also pulled this stunt -- often as a gambit to dislodge documents that they believed the Bush administration was improperly withholding. The Obama administration's quick start on making nominations has slowed to a trickle, lessening the pressure on the Senate to deal with the backlog. And, ultimately, Senate Majority Leader Harry Reid has the power to force a vote on a pending nomination -- if he wants to take the time to do it.

Nonetheless, that's no excuse for letting advise and consent degenerate into sit around and wait. Until Tuesday, when Tom Perez was confirmed as assistant attorney general for civil rights -- more than six months after being nominated -- five of 11 assistant attorney general positions were unfilled.

Some other examples:

-- Missouri Republican Kit Bond is holding up confirmation of Martha Johnson, the nominee to head the General Services Administration, because the agency has been balking at constructing a \$175 million federal building for Kansas City. Johnson's nomination has been languishing on the Senate floor since June.

-- Louisiana Republican David Vitter has a hold on Paul Anastas to be an assistant administrator of the Environmental Protection Agency until the EPA agrees to delay issuing regulations on formaldehyde, which has been classified as a probable human carcinogen. The irony of Vitter's hold is that one of the biggest potential problems with the chemical involves Hurricane Katrina survivors exposed to formaldehyde in FEMA trailers.

-- Meanwhile, Ohio Republican George Voinovich is holding up the nominee for EPA's deputy administrator, Robert Perciasepe, because Voinovich believes the EPA is underestimating the cost to households of climate change

legislation. In a letter to EPA Administrator Lisa Jackson, Voinovich acknowledged that his hold is not "a reflection on Mr. Perciasepe's ability to perform in the role of the deputy administrator."

-- South Carolina Republican Jim DeMint is blocking confirmation of Arturo Valenzuela to be assistant secretary of state for the Western Hemisphere because Valenzuela had the temerity to call the military coup ousting Honduran President Manuel Zelaya a "classic military coup."

-- Eight Republican senators, including Minority Leader Mitch McConnell, warned Health and Human Services Secretary Kathleen Sebelius that "we will not consent" to Senate floor action on nearly a dozen nominations -- including the U.S. surgeon general -- until the department rescinds what they termed a "gag order" on health insurers.

-- Some nominations can't even get out of committee, with the Health, Education, Labor and Pensions (HELP) Committee a particular black hole. Two nominees for the National Labor Relations Board have been mired there since April. Patricia Smith, the nominee for solicitor of labor, is about to get a committee vote after having been stuck there since March.

Jackie Berrien was nominated in July to chair the Equal Employment Opportunity Commission, but Republicans have refused to act on her nomination until a pick for a Republican vacancy is named. Commissioner Christine Griffin has been confirmed to be deputy director of the Office of Personnel Management but can't leave to take that spot because the EEOC would be left without a quorum.

Being in the minority isn't fun. Gumming up the works with holds is one of the few ways to get attention -- and action. But it's no way to run a government.

**To:** CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;"David McIntosh"  
[mcintosh.david@epa.gov]; David McIntosh" [mcintosh.david@epa.gov]; Richard Windsor"  
[Windsor.Richard@epamail.epa.gov]  
**From:** CN=Bob Perciasepe/OU=DC/O=USEPA/C=US  
**Sent:** Wed 10/7/2009 2:56:04 PM  
**Subject:** Re: Fw: Today's Wash Post on Noms  
<http://thehill.com/opinion/op-ed/61849-holds-delays-on-cabinet-picks-hurting-american-businesses-holding-up-a-letter-blocking-confirmation-we-will-not-consent>

Appreciate the update.  
Not much to say.

Bob Perciasepe  
Office of the Administrator  
1200 Pennsylvania Ave., ARN  
202 564 2410

From: David McIntosh/DC/USEPA/US  
To: Bob Perciasepe/DC/USEPA/US@EPA  
Cc: Arvin Ganesan/DC/USEPA/US@EPA, "David McIntosh" <mcintosh.david@epa.gov>, "Richard Windsor" <Windsor.Richard@epamail.epa.gov>  
Date: 10/07/2009 10:50 AM  
Subject: Re: Fw: Today's Wash Post on Noms

Here is the status: Yesterday Voinovich's staff told me that Voinovich will not drop his demand that EPA model a cost scenario in which biomass can't deploy and also model an emissions/temperature scenario in which the US does nothing but the rest of the G8 does what they have agreed to do. **Deliberative**

# Deliberative

From: Bob Perciasepe/DC/USEPA/US  
To: Arvin Ganesan/DC/USEPA/US@EPA  
Cc: "David McIntosh" <mcintosh.david@epa.gov>, "Richard Windsor" <Windsor.Richard@epamail.epa.gov>  
Date: 10/07/2009 10:42 AM  
Subject: Re: Fw: Today's Wash Post on Noms

Thanks you two

Perhaps we can connect later today on the real status of reconciling the model runs for SEPW.

Bob Perciasepe  
Office of the Administrator  
1200 Pennsylvania Ave., ARN  
202 564 2410

From: Arvin Ganesan/DC/USEPA/US  
To: "Richard Windsor" <Windsor.Richard@epamail.epa.gov>  
Cc: "David McIntosh" <mcintosh.david@epa.gov>, "Bob Perciasepe" <Perciasepe.Bob@epamail.epa.gov>  
Date: 10/07/2009 10:15 AM  
Subject: Fw: Today's Wash Post on Noms

Fyi.

Sent from my Blackberry Wireless Device

From: "Kennedy, Sean D." Personal Privacy  
Sent: 10/07/2009 10:10 AM AST  
To: undisclosed-recipients:  
Subject: Today's Wash Post on Noms

Part of our new charm offensive... also, there's an op-ed in The Hill: <http://thehill.com/opinion/op-ed/61849-holds-delays-on-cabinet-picks-hurting-american-businesses>

Advise and Stall  
Senate Republicans Are Holding Up Key Nominees

By Ruth Marcus  
Wednesday, October 7, 2009

Miriam Sapiro was nominated to be deputy U.S. trade representative in April. The Senate Finance Committee voted -- unanimously -- to confirm her in July.

She's still not in the job -- because Sen. Jim Bunning, Republican of Kentucky, is unhappy with the Canadian Parliament.

Seriously.

Bunning is upset about a measure pending before Canadian lawmakers that would restrict tobacco companies from adding candy flavorings to cigars and cigarettes. The measure is aimed at reducing youth smoking, but Kentucky lawmakers claim it would harm tobacco companies there -- and violate trade rules -- because chocolate is used as an additive to moderate the taste of Kentucky-grown burley tobacco.

So Bunning wants U.S. trade authorities to intervene, even though federal law restricts them from promoting tobacco use. And he is holding Sapiro hostage, leaving the trade office without a political appointee overseeing such crucial issues as the North American Free Trade Agreement, the Doha round of trade talks, and the pending trade agreements with Panama and Colombia.

Sapiro isn't alone. For all the bellyaching about the Obama administration's supposed excess of policymaking czars outside the normal appointment process, Senate Republicans have been blocking confirmation of a disturbing number of administration nominees, many for reasons having nothing to do with their suitability for their jobs.

No one has clean hands here. Slow-walking nominations is a bipartisan sport. Democrats also pulled this stunt -- often as a gambit to dislodge documents that they believed the Bush administration was improperly withholding. The Obama administration's quick start on making nominations has slowed to a trickle, lessening the pressure on the Senate to deal with the backlog. And, ultimately, Senate Majority Leader Harry Reid has the power to force a vote on a pending nomination -- if he wants to take the time to do it.

Nonetheless, that's no excuse for letting advise and consent degenerate into sit around and wait. Until Tuesday, when Tom Perez was confirmed as assistant attorney general for civil rights -- more than six months after being nominated -- five of 11 assistant attorney general positions were unfilled.

Some other examples:

-- Missouri Republican Kit Bond is holding up confirmation of Martha Johnson, the nominee to head the General Services Administration, because the agency has been balking at constructing a \$175 million federal building for Kansas City. Johnson's nomination has been languishing on the Senate floor since June.

-- Louisiana Republican David Vitter has a hold on Paul Anastas to be an assistant administrator of the Environmental Protection Agency until the EPA agrees to delay issuing regulations on formaldehyde, which has been classified as a probable human carcinogen. The irony of Vitter's hold is that one of the biggest potential problems with the chemical involves Hurricane Katrina survivors exposed to formaldehyde in FEMA trailers.

-- Meanwhile, Ohio Republican George Voinovich is holding up the nominee for EPA's deputy administrator, Robert Perciasepe, because Voinovich believes the EPA is underestimating the cost to households of climate change legislation. In a letter to EPA Administrator Lisa Jackson, Voinovich acknowledged that his hold is not "a reflection on Mr. Perciasepe's ability to perform in the role of the deputy administrator."

-- South Carolina Republican Jim DeMint is blocking confirmation of Arturo Valenzuela to be assistant secretary of state for the Western Hemisphere because Valenzuela had the temerity to call the military coup ousting Honduran President Manuel Zelaya a "classic military coup."

-- Eight Republican senators, including Minority Leader Mitch McConnell, warned Health and Human Services Secretary Kathleen Sebelius that "we will not consent" to Senate floor action on nearly a dozen nominations -- including the U.S. surgeon general -- until the department rescinds what they termed a "gag order" on health insurers.

-- Some nominations can't even get out of committee, with the Health, Education, Labor and Pensions (HELP) Committee a particular black hole. Two nominees for the National Labor Relations Board have been mired there

since April. Patricia Smith, the nominee for solicitor of labor, is about to get a committee vote after having been stuck there since March.

Jackie Berrien was nominated in July to chair the Equal Employment Opportunity Commission, but Republicans have refused to act on her nomination until a pick for a Republican vacancy is named. Commissioner Christine Griffin has been confirmed to be deputy director of the Office of Personnel Management but can't leave to take that spot because the EEOC would be left without a quorum.

Being in the minority isn't fun. Gumming up the works with holds is one of the few ways to get attention -- and action. But it's no way to run a government.

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Wed 10/7/2009 4:55:04 PM  
**Subject:** Re: Judge Tatel on Agency rulemaking

[Hotspot](#)

[Hotspot](#)

[Daily Environment Report: All Issues](#)

[2009](#)

[October](#)

[10/07/2009](#)

[News](#)

[Regulatory Policy](#)

[63 DEN A-3, 4/3/07](#)

[80 DEN A-1, 4/26/06](#)

[132 DEN A-1, 7/12/04](#)

[Previous](#)

[Next](#)

[Back to Top](#)

[Home](#)

[About](#)

[Help](#)

[Contact Us](#)

[Copyright](#)

[Copyright FAQs](#)

[Internet Privacy Policy](#)

[BNA Accessibility Statement](#)

[License](#)

<http://www.bna.com/corp/index.html#V>

[\(embedded image\)](#)

[\(embedded image\)](#)

[\(embedded image\)](#)

[\(embedded image\)](#)

Cass was referring to individual conversations with judges, not the speech itself.

**From:** Richard Windsor/DC/USEPA/US  
**To:** Scott Fulton/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA  
**Date:** 10/07/2009 12:51 PM  
**Subject:** Re: Judge Tatel on Agency rulemaking

Not as ominous as was decribed.

----- Original Message -----

**From:** Scott Fulton

**Sent:** 10/07/2009 12:48 PM EDT

**To:** Richard Windsor; Diane Thompson; Bob Perciasepe; Bob Sussman; Lisa Heinzerling

**Subject:** Fw: Judge Tatel on Agency rulemaking

This must be the speech to which Cass was referring.



----- Forwarded by Scott Fulton/DC/USEPA/US on 10/07/2009 12:46 PM -----

From: Mary-Kay Lynch/DC/USEPA/US  
To: Scott Fulton/DC/USEPA/US@EPA, Avi Garbow/DC/USEPA/US@EPA  
Date: 10/07/2009 12:38 PM  
Subject: Judge Tatel on Agency rulemaking

Daily Environment Report: All Issues > 2009 > October > 10/07/2009 > News > Regulatory Policy: Appeals Court  
Judge Tatel Urges Regulation Based on Law First, Policy Goals Second

Follow these links for other recent articles on:

Topics:

Regulatory Policy

192 DEN A-16

Regulatory Policy

Appeals Court Judge Tatel Urges Regulation

Based on Law First, Policy Goals Second

Federal appeals court Judge David S. Tatel, in a rare public speaking engagement, said Oct. 6 that regulatory agencies too often seem to choose policy goals without adequate regard for the law, and he offered examples from several recent decisions overturning Environmental Protection Agency regulations.

Tatel sits on the U.S. Court of Appeals for the District of Columbia Circuit, which hears appeals of EPA regulatory decisions. Nominated to serve on the court in 1994 by President Bill Clinton, he has in recent years participated in the invalidation of some prominent Bush administration environmental regulations. But his remarks carried a cautionary note for the Obama administration as he addressed an Environmental Law Institute symposium.

"It's at times like these, when a new administration is determined to change the environmental policy, that our commitment to the fundamental principles of administrative law is really tested," Tatel told the audience.

"It is basic administrative law that maintains the vital connection between democratic governance and the regulatory state," he said.

In the vast majority of cases, regulatory agencies do a commendable job of addressing complex environmental issues, the judge said.

"That said, in both Republican and Democratic administrations, I have too often seen agencies failing to display the kind of careful and lawyerly attention one would expect from those required to obey federal statutes and to follow principles of administrative law," Tatel said. "In such cases, it looks for all the world like agencies choose their policy first, then later seek to defend its legality."

He then emphatically added: "That gets it entirely backwards."

Massachusetts v. EPA

Tatel filed an important dissent from a D.C. Circuit ruling that accepted EPA's decision during the Bush administration that the agency would not regulate greenhouse gases. The importance of that dissent became clear when the Supreme Court, in 2007, overturned the appeals court and told EPA it must make a finding on whether greenhouse gases endanger public health or welfare (Massachusetts v. EPA 549 U.S. 497, 63 ERC 2057 (2007); 63 DEN A-3, 4/3/07).

"No case has done more to accelerate serious policy decision-making on global warming both in the executive and the legislative branches," Leslie Carothers, Environmental Law Institute president, told the symposium.

The case also served as one of several from the Bush administration that Tatel held up as examples of seeming to put policy ahead of the requirements of the law.

EPA, seeking to avoid regulating carbon emissions, offered a host of policy reasons, including its own uncertainty regarding causes of global warming, Tatel said. But the Clean Air Act requires regulation of emissions if they endanger human health or welfare, and that required an EPA decision on whether greenhouse gases posed such a danger, he said.

"I couldn't tell whether EPA was claiming that its uncertainty prevented it from making an endangerment finding, or whether that uncertainty relieved it of the obligation to regulate even if it had made a finding, or both," Tatel

said.

EPA under the Obama administration has now proposed that greenhouse gases do pose a danger, although it has not issued a final decision on the finding.

Among the other cases Tatel cited was a D.C. Circuit decision in 2006 that found EPA erroneously interpreted the Clean Water Act by approving seasonal and annual total maximum daily loads for water pollution, rather than daily limits, as specified in the Clean Water Act (*Friends of the Earth Inc. v. EPA*, 62 ERC 1161 (D.C. Cir. 2006); 80 DEN A-1, 4/26/06).

Tatel also referred to a 2004 case in which Nevada successfully challenged EPA's original, 10,000-year radiation standards for a proposed radioactive waste repository at Yucca Mountain in Nevada. The D.C. Circuit said the agency did not follow recommendations for covering peak radiation doses from the facility, which could occur several hundred thousand years into the future (*Nuclear Energy Institute Inc. v. EPA*, 373 F.3d 1251 (D.C. Cir. 2004); 132 DEN A-1, 7/12/04).

'And Give Sound Explanations.'

Tatel stressed the need for agencies to do a clear job of providing reasons for their actions. The principles of administrative law boil down to two rules, he said: "Follow the law, and give sound explanations for what you do." It is the explanations that allow judges to avoid substituting their own judgment for agency expertise, in keeping with the two-decades-old legal precedent of *Chevron v. NRDC* for giving deference to federal agencies, he said. "The reason-giving requirement allows courts to determine whether agencies have, in fact, acted on the basis of that expertise," he said.

"This rule applies with particular force when agencies change existing policy, as happens quite often during times of transition," Tatel said. "Obviously, agencies have authority to move from one permissible position to another, but when doing so, they must adequately explain why."

He expressed his hope that EPA would make a policy of involving lawyers early enough in regulatory planning to avoid developing plans that set policy before the law.

By Alan Kovski

[Home](#) | [About](#) | [Help](#)

Contact Us or call 1-800-372-1033

ISSN 1521-9402

Copyright © 2009, The Bureau of National Affairs, Inc. | [Copyright FAQs](#) | [Internet Privacy Policy](#) | [BNA Accessibility Statement](#) | [License](#)

Reproduction or redistribution, in whole or in part, and in any form, without express written permission, is prohibited except as permitted by the BNA Copyright Policy. <http://www.bna.com/corp/index.html#V>

◀ Previous |

Next ➤

[⬆ Top](#)

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Adora Andy/OU=DC/O=USEPA/C=US  
**Sent:** Wed 10/7/2009 5:29:35 PM  
**Subject:** Re: CHARLESTON GAZETTE: EPA-CORPS SHOWDOWN COMING?  
continues his war of words  
Hotspot  
EPA's urging that the Corps suspend or revoke its Clean Water Act permit for Arch Coal Inc.'s  
Spruce No. 1 Mine  
Sept. 30 letter to EPA  
this legal filing  
Section 404(c) of the Clean Water Act  
citing a long list of problems with the current mining proposal  
had strenuously objected  
Manchin  
Sen. Jay Rockefeller  
Corps and EPA have made like they're playing nice together

no prob

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov

**From:** Richard Windsor/DC/USEPA/US  
**To:** Adora Andy/DC/USEPA/US@EPA  
**Date:** 10/07/2009 12:31 PM  
**Subject:** Re: CHARLESTON GAZETTE: EPA-CORPS SHOWDOWN COMING?

Boy oh boy. Tx!

----- Original Message -----

**From:** Adora Andy  
**Sent:** 10/07/2009 12:20 PM EDT  
**To:** Richard Windsor; Bob Sussman; David McIntosh; Seth Oster; Allyn Brooks-LaSure  
**Cc:** Betsaida Alcantara; Brendan Gilfillan; Arvin Ganesan; Michael Moats  
**Subject:** CHARLESTON GAZETTE: EPA-CORPS SHOWDOWN COMING?  
Charleston Gazette Blog:  
Obama and MTR: EPA-Corps showdown coming?  
by Ken Ward Jr.

As West Virginia Gov. Joe Manchin continues his war of words against the Obama administration's

Environmental Protection Agency, a showdown may be nearing between EPA and the federal Corps of Engineers over the largest mountaintop removal permit in state history.

Corps officials in Huntington have rejected EPA's urging that the Corps suspend or revoke its Clean Water Act permit for Arch Coal Inc.'s Spruce No. 1 Mine.

In a Sept. 30 letter to EPA, Corps District Engineer Robert D. Peterson said his agency "determined there were no other practical alternatives that would have less impacts on the aquatic environment" and that the Spruce Mine — an operation covering 2,278 acres and including 8.3 miles of valley fills and other stream-filling — "would not be expected to cause or contribute to violations of applicable state water quality standards or significant degradation of the environment." After re-examining the proposed permit, Peterson said, the Corps concluded that "all appropriate steps were taken to minimize potential adverse impacts."

But the story doesn't end there ...

On Monday, Department of Justice lawyers asked U.S. District Judge Robert C. Chambers to delay the legal case over the Spruce Mine for another 30 days.

In this legal filing, DOJ told Chambers that EPA "is now considering whether to exercise its authority" under the Clean Water Act "to prohibit discharges into waters of the United States as authorized by the Spruce No. 1 permit."

Under Section 404(c) of the Clean Water Act, EPA may override Corps decisions to grant valley fill permits. EPA can do so only after first issuing a public notice and providing opportunity for public hearings, and if the agency determines that the proposed permit:

... Will have an unacceptable adverse effect on municipal water supplies, shellfish beds and fishery areas (including spawning and breeding areas), wildlife, or recreational areas.

Recall that in early September EPA officials urged the Corps to revoke, suspend or modify the Spruce permit, citing a long list of problems with the current mining proposal. DOJ lawyers then asked and obtained a 30-day stay from Judge Chambers on Arch Coal Inc.'s efforts to have the permit tossed from an environmental group lawsuit still pending before the judge.

Arch Coal had strenuously objected to the stay, and political leaders including Manchin and Sen. Jay Rockefeller jumped in to complain about EPA's actions.

For years, environmental groups have viewed the Corps as being little more than a rubber-stamp on mining permits, and sought to have EPA more rigorously exercise its oversight role over the Corps' valley fill permit process. Environmentalists hoped to see the Corps change its way with the appointment of a new leader, Jo-Ellen Darcy, by President Obama. And the Corps and EPA have made like they're playing nice together.

In his Spruce Mine letter to acting EPA regional director William Early, Peterson included more of this play nice language:

... I am mindful of your agency's concerns and appreciate the efforts you are making to improve the environmental review of pending applications for surface coal mining activities.

Your staff is very helpful and they are providing excellent support to the District's Regulatory staff to provide a more rigorous review of applications in the coalfields. I look forward to continued collaboration as we work closely with your agency on all projects.

But the Corps' rejection of EPA's efforts to block the Spruce Mine shows there remains serious disagreement between these two agencies about the environmental impacts of mountaintop removal — and about how the Obama administration ought to regulate the practice. Stay tuned, because a showdown is coming ...

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Scott  
Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Diane  
Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Bob  
Perciaspe/OU=DC/O=USEPA/C=US@EPA;CN=Lisa  
Heinzerling/OU=DC/O=USEPA/C=US@EPA[]; N=Scott  
Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Diane  
Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Bob  
Perciaspe/OU=DC/O=USEPA/C=US@EPA;CN=Lisa  
Heinzerling/OU=DC/O=USEPA/C=US@EPA[]; N=Diane  
Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Bob  
Perciaspe/OU=DC/O=USEPA/C=US@EPA;CN=Lisa  
Heinzerling/OU=DC/O=USEPA/C=US@EPA[]; N=Bob  
Perciaspe/OU=DC/O=USEPA/C=US@EPA;CN=Lisa  
Heinzerling/OU=DC/O=USEPA/C=US@EPA[]; N=Lisa  
Heinzerling/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Bob Sussman/OU=DC/O=USEPA/C=US  
**Sent:** Wed 10/7/2009 8:55:51 PM  
**Subject:** Re: Judge Tatel on Agency rulemaking

[Hotspot](#)

[Hotspot](#)

[Daily Environment Report: All Issues](#)

[2009](#)

[October](#)

[10/07/2009](#)

[News](#)

[Regulatory Policy](#)

[63 DEN A-3, 4/3/07](#)

[80 DEN A-1, 4/26/06](#)

[132 DEN A-1, 7/12/04](#)

[Previous](#)

[Next](#)

[Back to Top](#)

[Home](#)

[About](#)

[Help](#)

[Contact Us](#)

[Copyright](#)

[Copyright FAQs](#)

[Internet Privacy Policy](#)

[BNA Accessibility Statement](#)

[License](#)

<http://www.bna.com/corp/index.html#V>

[\(embedded image\)](#)

[\(embedded image\)](#)

[\(embedded image\)](#)

[\(embedded image\)](#)

Cass was not referring to a speech but a discussion with a member of the court who told him that the R appointees on the court were looking for an EPA rule they could strike down.

----- Original Message -----

From: Richard Windsor

Sent: 10/07/2009 12:51 PM EDT

To: Scott Fulton; Diane Thompson; Bob Perciaspe; Bob Sussman; Lisa Heinzerling

Subject: Re: Judge Tatel on Agency rulemaking



Not as ominous as was decribed.

----- Original Message -----

From: Scott Fulton

Sent: 10/07/2009 12:48 PM EDT

To: Richard Windsor; Diane Thompson; Bob Perciasepe; Bob Sussman; Lisa Heinzerling

Subject: Fw: Judge Tatel on Agency rulemaking

This must be the speech to which Cass was referring.

----- Forwarded by Scott Fulton/DC/USEPA/US on 10/07/2009 12:46 PM -----

From: Mary-Kay Lynch/DC/USEPA/US

To: Scott Fulton/DC/USEPA/US@EPA, Avi Garbow/DC/USEPA/US@EPA

Date: 10/07/2009 12:38 PM

Subject: Judge Tatel on Agency rulemaking

Daily Environment Report: All Issues > 2009 > October > 10/07/2009 > News > Regulatory Policy: Appeals Court

Judge Tatel Urges Regulation Based on Law First, Policy Goals Second

Follow these links for other recent articles on:

Topics:

Regulatory Policy

192 DEN A-16

Regulatory Policy

Appeals Court Judge Tatel Urges Regulation

Based on Law First, Policy Goals Second

Federal appeals court Judge David S. Tatel, in a rare public speaking engagement, said Oct. 6 that regulatory agencies too often seem to choose policy goals without adequate regard for the law, and he offered examples from several recent decisions overturning Environmental Protection Agency regulations.

Tatel sits on the U.S. Court of Appeals for the District of Columbia Circuit, which hears appeals of EPA regulatory decisions. Nominated to serve on the court in 1994 by President Bill Clinton, he has in recent years participated in the invalidation of some prominent Bush administration environmental regulations. But his remarks carried a cautionary note for the Obama administration as he addressed an Environmental Law Institute symposium.

"It's at times like these, when a new administration is determined to change the environmental policy, that our commitment to the fundamental principles of administrative law is really tested," Tatel told the audience.

"It is basic administrative law that maintains the vital connection between democratic governance and the regulatory state," he said.

In the vast majority of cases, regulatory agencies do a commendable job of addressing complex environmental issues, the judge said.

"That said, in both Republican and Democratic administrations, I have too often seen agencies failing to display the kind of careful and lawyerly attention one would expect from those required to obey federal statutes and to follow principles of administrative law," Tatel said. "In such cases, it looks for all the world like agencies choose their policy first, then later seek to defend its legality."

He then emphatically added: "That gets it entirely backwards."

Massachusetts v. EPA

Tatel filed an important dissent from a D.C. Circuit ruling that accepted EPA's decision during the Bush administration that the agency would not regulate greenhouse gases. The importance of that dissent became clear when the Supreme Court, in 2007, overturned the appeals court and told EPA it must make a finding on whether greenhouse gases endanger public health or welfare (Massachusetts v. EPA 549 U.S. 497, 63 ERC 2057 (2007); 63 DEN A-3, 4/3/07).

"No case has done more to accelerate serious policy decision-making on global warming both in the executive and

the legislative branches,” Leslie Carothers, Environmental Law Institute president, told the symposium. The case also served as one of several from the Bush administration that Tatel held up as examples of seeming to put policy ahead of the requirements of the law.

EPA, seeking to avoid regulating carbon emissions, offered a host of policy reasons, including its own uncertainty regarding causes of global warming, Tatel said. But the Clean Air Act requires regulation of emissions if they endanger human health or welfare, and that required an EPA decision on whether greenhouse gases posed such a danger, he said.

“I couldn't tell whether EPA was claiming that its uncertainty prevented it from making an endangerment finding, or whether that uncertainty relieved it of the obligation to regulate even if it had made a finding, or both,” Tatel said.

EPA under the Obama administration has now proposed that greenhouse gases do pose a danger, although it has not issued a final decision on the finding.

Among the other cases Tatel cited was a D.C. Circuit decision in 2006 that found EPA erroneously interpreted the Clean Water Act by approving seasonal and annual total maximum daily loads for water pollution, rather than daily limits, as specified in the Clean Water Act (*Friends of the Earth Inc. v. EPA*, 62 ERC 1161 (D.C. Cir. 2006); 80 DEN A-1, 4/26/06).

Tatel also referred to a 2004 case in which Nevada successfully challenged EPA's original, 10,000-year radiation standards for a proposed radioactive waste repository at Yucca Mountain in Nevada. The D.C. Circuit said the agency did not follow recommendations for covering peak radiation doses from the facility, which could occur several hundred thousand years into the future (*Nuclear Energy Institute Inc. v. EPA*, 373 F.3d 1251 (D.C. Cir. 2004); 132 DEN A-1, 7/12/04).

‘And Give Sound Explanations.’

Tatel stressed the need for agencies to do a clear job of providing reasons for their actions. The principles of administrative law boil down to two rules, he said: “Follow the law, and give sound explanations for what you do.”

It is the explanations that allow judges to avoid substituting their own judgment for agency expertise, in keeping with the two-decades-old legal precedent of *Chevron v. NRDC* for giving deference to federal agencies, he said.

“The reason-giving requirement allows courts to determine whether agencies have, in fact, acted on the basis of that expertise,” he said.

“This rule applies with particular force when agencies change existing policy, as happens quite often during times of transition,” Tatel said. “Obviously, agencies have authority to move from one permissible position to another, but when doing so, they must adequately explain why.”

He expressed his hope that EPA would make a policy of involving lawyers early enough in regulatory planning to avoid developing plans that set policy before the law.

By Alan Kovski

[Home](#) | [About](#) | [Help](#)

Contact Us or call 1-800-372-1033

ISSN 1521-9402

Copyright © 2009, The Bureau of National Affairs, Inc. | [Copyright FAQs](#) | [Internet Privacy Policy](#) | [BNA Accessibility Statement](#) | [License](#)

Reproduction or redistribution, in whole or in part, and in any form, without express written permission, is prohibited except as permitted by the BNA Copyright Policy. <http://www.bna.com/corp/index.html#V>

◀ Previous |

Next ➤

[⬆ Top](#)

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=Aaron Dickerson/OU=DC/O=USEPA/C=US@EPA;CN=Eric  
Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Robert  
Goulding/OU=DC/O=USEPA/C=US@EPA[]; N=Eric  
Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Robert  
Goulding/OU=DC/O=USEPA/C=US@EPA[]; N=Robert  
Goulding/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Diane Thompson/OU=DC/O=USEPA/C=US  
**Sent:** Wed 10/7/2009 9:50:23 PM  
**Subject:** Fw: Talking Points: Bipartisan Support for Health Insurance Reform Continues to Build

FYI

\*\*\*\*\*

Diane E. Thompson  
Chief of Staff  
U. S. Environmental Protection Agency  
202-564-6999  
----- Forwarded by Diane Thompson/DC/USEPA/US on 10/07/2009 05:50 PM -----

From: "Milakofsky, Benjamin E." [Personal Privacy]  
To: "Lu, Christopher P." [Personal Privacy] "Smith, Elizabeth S."  
[Personal Privacy] "Kimball, Astri B." [Personal Privacy] "French,  
Michael J." [Personal Privacy] "Greenawalt, Andrei M."  
[Personal Privacy] "Taylor, Adam R." [Personal Privacy]  
"Milakofsky, Benjamin E." [Personal Privacy]  
Date: 10/07/2009 09:40 AM  
Subject: Talking Points: Bipartisan Support for Health Insurance Reform Continues to Build

Dear Chiefs of Staff:

Please see the below talking points on health insurance reform.

--Cabinet Affairs

Talking Points: Bipartisan Support for Health Insurance Reform Continues to Build

- Bipartisan support for health insurance reform continues to grow around the nation.
- Yesterday, Republican California Governor Arnold Schwarzenegger added his voice to the growing chorus in support of reform.
  - o He said he shares the President's goals of "slowing the growth in costs, enhancing the quality of care delivered, improving the lives of individuals, and helping to ensure a strong economic recovery."
  - o And he called on "colleagues on both sides of the political aisle at the national level to move forward and accomplish these vital goals for the American people."
- Earlier this week, former Bush Administration Health and Human Services Secretary Tommy Thompson joined Democratic former House Majority Leader Dick Gephardt in issuing a statement in support of reform. "Failure to reach an agreement on health reform this year is not an acceptable option," they said.
  - o The bipartisan duo pointed out that there is "substantial common ground" between the various bills

making their way through Congress and pointed to “broad support for key provisions... that would forbid insurance companies from denying coverage to people with pre-existing conditions, dropping coverage when people become ill, or imposing spending coverage caps on people when they get sick and need coverage.”

- And New York City Mayor Michael Bloomberg, who originally ran as a Republican and is now an Independent, praised the reform proposals in Congress for “incorporating Republican ideas” and said the bill deserves bipartisan support.

- o He added that reform has “great potential to reduce costs for families, businesses and government at every level over the long term, while extending coverage to many millions of the uninsured and investing in proven, cost-effective public health strategies.”

- And last week, former Senate Republican Leader Bill Frist – a surgeon – said even he would vote for health insurance reform. He said that even though he’d probably “take heat” from his party, “that’s leadership.”

- These latest endorsements join a wide array from across the spectrum.

- o More than 1,000 state legislators from every corner of America have signed onto letters citing the urgent need for health insurance reform.

- o 22 Governors from states across the nation also signed a letter calling for reform.

- o Leading groups representing doctors, nurses, consumers, seniors, and even drug and insurance companies have all agreed that the status quo is unsustainable.

- The message is clear: inaction is not an option.

- President Obama’s health insurance reform plan will give Americans who have insurance unprecedented security and stability. It will give Americans without insurance quality, affordable options. And it will lower the cost of health care for our families, our businesses, and our government.



**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA[]; N=Diane Thompson/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=David McIntosh/OU=DC/O=USEPA/C=US  
**Sent:** Thur 10/8/2009 12:36:49 PM  
**Subject:** Fw: Great Lakes shipping appropriations rider  
[E&ENews PM letter](#)  
[E&ENews PM](#)

FYI

----- Forwarded by David McIntosh/DC/USEPA/US on 10/08/2009 08:36 AM -----

From: David McIntosh/DC/USEPA/US

To: "Heimbach, James T."

Personal Privacy

Personal Privacy

"Maher, Jessica A."

Personal Privacy

Date: 10/08/2009 08:35 AM

Subject: Great Lakes shipping appropriations rider

# Deliberative

AIR POLLUTION: Fight brewing over possible rider to weaken shipping regs (10/08/2009)

Robin Bravender, E&E reporter

Clean air advocates are girding for a battle over a possible amendment to the annual U.S. EPA spending bill that would weaken the agency's ability to regulate air pollution from oceangoing vessels.

Five advocacy groups yesterday urged the House and Senate overseers of the fiscal 2010 Interior-EPA appropriations bill to oppose any possible rider that would "weaken, delay or limit" EPA's ability to implement proposed engine and fuel standards for the largest ocean-bound ships.

It remains unclear what such an amendment would entail, but sources on and off Capitol Hill say that House Appropriations Chairman David Obey (D-Wis.) and House Transportation and Infrastructure Chairman James Oberstar (D-Minn.) are backing the language. Spokesmen for the congressmen were not immediately available for comment.

"We're shocked that a Democratic Congress would even consider attacking the Obama EPA on such a critical public health issue," said Frank O'Donnell, president of Clean Air Watch.

At issue is EPA's proposed strategy to address emissions from oceangoing vessels. The plan would slash U.S. nitrogen oxide emissions by 1.2 million tons and particulate matter emissions by about 143,000 tons by 2030. EPA says the program would prevent between 13,000 and 33,000 premature deaths per year by 2030 (E&ENews PM, July 1).

"The need for these rules is urgent," states the letter from the American Lung Association, Clean Air Watch, the National Association of Clean Air Agencies, the Natural Resources Defense Council and the Puget Sound Clean Air Agency. "Any delay will postpone the health benefits."

Yesterday, EPA's Clean Air Act Advisory Committee -- a stakeholder advisory group -- approved a resolution recommending that EPA carry out its proposal and "decline requests for any geographic exemptions including, but not limited to, the Great Lakes."

The spending bill has cleared both chambers, but changes are possible when House and Senate conferees meet to hash it out. It is unclear exactly when that conference will occur.

Shipping industry representatives have argued that the rules would be particularly harmful to ships that operate exclusively in the Great Lakes and U.S.-Canadian waterways, and urged EPA to craft separate rules for the Great Lakes and St. Lawrence Seaway. Several shipping groups urged EPA to extend the

timeline so that shippers can conduct more thorough reviews, especially in light of the regulations' estimated price tag of more than \$1 billion (E&ENews PM, Aug. 4).  
The comment period on the draft rule ended Sept. 28.

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA[]; N=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA[]; N=Seth Oster/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA[]; N=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA[]; N=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA[]; N=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA[]

**Cc:** []

**From:** CN=David McIntosh/OU=DC/O=USEPA/C=US

**Sent:** Thur 10/8/2009 4:36:34 PM

**Subject:** I just spoke to Heather

She says she is firmly in the do it -- and very soon -- camp, but there is one person in the complex that she wants to check with. She says that she will get back to me with a firm view tonight or first thing tomorrow. I can give more detail in person.

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Lawrence Elworth/OU=DC/O=USEPA/C=US  
**Sent:** Thur 10/8/2009 7:21:52 PM  
**Subject:** Re: Atrazine

Lisa - Sorry it has taken a while to get back to you - I have been tracking down USDA folks to see if there were any lingering issues since my conversation with Sec. Vilsack's staff personally yesterday on atrazine - it turns out that he did not know that I had spoken to them before he mailed you and only found out moments later. In any event we are in good shape - thanks for your response to him- I will fix any loose links in the communication chain - am also working on some internal consultation issues that will, I hope, improve the situation - I can fill you in on those when we meet or sooner if you want. Larry

Lawrence Elworth

Agricultural Counselor to the Administrator

U. S. Environmental Protection Agency

2415 Ariel Rios North

202 564-1530

From: Richard Windsor/DC/USEPA/US  
To: "Tom Vilsack" Personal Privacy  
Date: 10/08/2009 12:17 PM  
Subject: Re: Atrazine

Tom,

It appears my staff did give USDA proper notification.

Below is a list of all the outreach via phone calls that our staff did to advise interested parties, including the Department of Agriculture, about our announcement of our atrazine strategy.

As you can see, my staff had two calls with our contact at USDA, Teung Chin, Acting Director, Office of Pest Management Policy, Agricultural Research Service. Staff advised Mr. Chin Tuesday afternoon, the day before the press release was issued, and also included Mr. Chin on a call EPA had with the state agriculture departments yesterday after the release was issued. Communicating with Mr. Chin is the standard protocol EPA staff follow in communicating with the Dep't of Agriculture on our pesticide issues. Please let me know if you need any other information.

Tuesday, October 6, 2009 (afternoon)

U.S. Department of Agriculture (USDA), Teung Chin, Acting Director, Office of Pest Management Policy, Agricultural Research Service.

Wednesday, October 7, 2009 (morning) 1. Registrants (pesticide manufacturers):▪ Syngenta▪ Agan Chem Manufacturing, Ltd.▪ Makhteshim-Agan Of North America, Inc.▪ Drexel Chemical Company▪ Oxon Italia S.P.A.▪ Sipcam Agro USA, Inc.2. Other Stakeholders: ▪ Natural Resources Defense Council (NRDC)▪ American Water Works Association (AWWA)▪ Triazine Network (a grower group)▪ Kansas Corn Growers Association▪ American Farm Bureau Federation▪3. National Association of State Departments of Agriculture (NASDA) with USDA (Teung Chin)

From: TJV [Personal Privacy]  
Sent: 10/08/2009 08:20 AM AST  
To: Richard Windsor  
Subject: Atrazine

Lisa - would be helpful if your team could give us an advance heads up when you decide to open up a significant study on a chemical widely used in ag. Simply allows us to be able to explain and defend EPA when I am out in the countryside. Thanks.

Tom

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA[]; N=Seth Oster/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA[]; N=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA[]; N=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA[]; N=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA[]; N=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Adora Andy/OU=DC/O=USEPA/C=US  
**Sent:** Thur 10/8/2009 9:01:00 PM  
**Subject:** HEADS UP: TALLEY STORY POSTED  
<http://www.djnewsplus.com/access/al?rnd=GgxXbxoQpFO6b9Z%2BMq3Vuw%3D%3D>

Posted earlier on the wires, I expect in in WSJ tomorrow morning. I'm calling him to make some clarifications on background, anything you want me to include?

By Ian Talley  
Of DOW JONES NEWSWIREs

WASHINGTON (Dow Jones)--The U.S. Environmental Protection Agency warned Royal Dutch Shell PLC (RDSA) last month that air permits, such as ones required for its major Alaskan oil project, were at risk under a Republican lawmaker's plan to curb the agency's powers. The issue involves an amendment to an agency funding bill sponsored by Sen. Lisa Murkowski, R-Alaska. The proposal is intended to block the EPA from crafting new greenhouse gases regulations for power plants and refineries, running counter to Obama administration policies. Murkowski, the ranking member of the Senate Energy and Natural Resources Committee, has now requested EPA Administrator Lisa Jackson to probe the affair. Soon after the first draft of Murkowski's amendment was inked, a senior EPA official for congressional affairs called Shell. The oil giant is awaiting EPA approval of air permits to proceed with a multi-billion dollar exploration project in the senator's home state. It was the sole oil company called. David McIntosh, an EPA Associate Administrator for congressional relations, said EPA believed approval of Murkowski's amendment might result in "unintended consequences" for Royal Dutch Shell's air permit applications. For Shell, the stakes would be significant. The firm is awaiting EPA approval of air permits to drill in the Chukchi and Beaufort Seas regions. The international oil company paid more than \$2 billion to the U.S. government for the leases. Any delay in the permit process could force the firm to cancel its expensive drilling program, stalling potential development. McIntosh also shared EPA's concerns with the Auto Alliance, an industry trade association. "Senator Murkowski's amendment, both in draft and final form, would have had serious and, in our view, negative consequences for U.S. business and the economy," EPA spokeswoman Adora Andy said in an

emailed statement.

"As a matter of due diligence, before sharing EPA's analysis with members of Congress, Mr. McIntosh reached out to representatives in the affected business community and asked them to let the agency know if they found any flaws in EPA's conclusions, which they did not," Andy said.

Murkowski's amendment to the EPA's annual spending bill failed last month after Democrats blocked it from a floor vote. But Murkowski has vowed to try again.

The Senator Thursday penned a hand-delivered letter to Administrator Jackson, asking for a complete list of all individuals and businesses contacted by EPA staff. EPA's Andy told Dow Jones Newswires the congressional relations office only contacted Shell and the Auto Alliance.

"These unsolicited contacts with entities regulated by the EPA are particularly concerning, not only because your staff failed to reply to my explicit request for a discussion of the amendment itself, but also because I strongly disagree with your agency's assessment of the impact that amendment would have had," Murkowski said in the letter.

Shane Karr, the Auto Alliance's head of government affairs, said his group saw no errors in the EPA's concerns about the Murkowski amendment. If the EPA doesn't issue new emissions rules, more than a dozen states will be able to establish their own strict rules, creating a regulatory headache for the auto industry.

Shell said it originally expected the air permits to be approved in September, but the EPA has extended its public comment period for another month. Based on the lease costs and government resource estimates, Shell's programs could yield a major boom for the Alaskan economy.

"EPA called to explain their interpretation of the Murkowski amendment, which we shared with Senator Murkowski's staff," said Bill Tanner, Shell's senior press officer.

Tanner characterized EPA's warning as routine: "It's part of the day-to-day activities that occur as we analyze legislation."

The Murkowski amendment underwent changes following MacIntosh's call to Shell, which the EPA said fixed the potential air permit problem. However, it created a new problem for the auto industry.

The EPA said the revised Murkowski amendment would prevent the agency from issuing any new regulations for greenhouse gases, stationary or mobile. That would have given states such as California the ability to write their own new emissions laws, a problem for automakers who want a single national standard.

Concerned that Congress won't draft climate legislation to regulate and cut greenhouse gases on EPA's schedule, the Obama Administration has committed to using its executive authority under the Clean Air Act to control such emissions.

Many fear use of the act for greenhouse gases - which the authors say was not intended - would be a regulatory bludgeon compared to more finely crafted Congressional legislation, and could have a negative impact on the economy. Lawmakers say the EPA is threatening to use its authority to pressure Congress into action.

The day after Sen. Murkowski failed to get her amendment attached to the EPA appropriations bill, the agency proposed new rules to regulate major stationary emitters such as power plants, refineries and metal smelters.

By Ian Talley, Dow Jones Newswires; (202) 862 9285; [ian.talley@dowjones.com](mailto:ian.talley@dowjones.com);

Click here to go to Dow Jones NewsPlus, a web front page of today's most important business and market news, analysis and commentary: <http://www.djnewsplus.com/access/al?rnd=GgxXbxoQpFO6b9Z%2BMg3Vuw%3D%3D>.

You can use this link on the day this article is published and the following day.

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
[andy.adora@epa.gov](mailto:andy.adora@epa.gov)

**To:** CN=Adora Andy/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA[]; N=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA[]; N=Seth Oster/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA[]; N=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA[]; N=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA[]; N=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=David McIntosh/OU=DC/O=USEPA/C=US  
**Sent:** Thur 10/8/2009 9:25:32 PM  
**Subject:** Re: HEADS UP: TALLEY STORY POSTED  
<http://www.djnewsplus.com/access/al?rnd=GqxXbxoQpFO6b9Z%2BMq3Vuw%3D%3D>.

The story looks perfectly fine to me.

----- Original Message -----

From: Adora Andy

Sent: 10/08/2009 05:01 PM EDT

To: Richard Windsor; Seth Oster; Allyn Brooks-LaSure; Bob Sussman; David McIntosh; Lisa Heinzerling

Subject: HEADS UP: TALLEY STORY POSTED

Posted earlier on the wires, I expect in in WSJ tomorrow morning. I'm calling him to make some clarifications on background, anything you want me to include?

By Ian Talley

Of DOW JONES NEWSWIRES

WASHINGTON (Dow Jones)--The U.S. Environmental Protection Agency warned Royal Dutch Shell PLC (RDSA) last month that air permits, such as ones required for its major Alaskan oil project, were at risk under a Republican lawmaker's plan to curb the agency's powers.

The issue involves an amendment to an agency funding bill sponsored by Sen. Lisa Murkowski, R-Alaska. The proposal is intended to block the EPA from crafting new greenhouse gases regulations for power plants and refineries, running counter to Obama administration policies.

Murkowski, the ranking member of the Senate Energy and Natural Resources Committee, has now requested EPA Administrator Lisa Jackson to probe the affair.

Soon after the first draft of Murkowski's amendment was inked, a senior EPA official for congressional affairs called Shell. The oil giant is awaiting EPA approval of air permits to proceed with a multi-billion dollar exploration project in the senator's home state. It was the sole oil company called.

David McIntosh, an EPA Associate Administrator for congressional relations, said EPA believed approval of Murkowski's amendment might result in "unintended consequences" for Royal Dutch Shell's air permit applications.



For Shell, the stakes would be significant. The firm is awaiting EPA approval of air permits to drill in the Chukchi and Beaufort Seas regions. The international oil company paid more than \$2 billion to the U.S. government for the leases. Any delay in the permit process could force the firm to cancel its expensive drilling program, stalling potential development.

McIntosh also shared EPA's concerns with the Auto Alliance, an industry trade association.

"Senator Murkowski's amendment, both in draft and final form, would have had serious and, in our view, negative consequences for U.S. business and the economy," EPA spokeswoman Adora Andy said in an emailed statement.

"As a matter of due diligence, before sharing EPA's analysis with members of Congress, Mr. McIntosh reached out to representatives in the affected business community and asked them to let the agency know if they found any flaws in EPA's conclusions, which they did not," Andy said.

Murkowski's amendment to the EPA's annual spending bill failed last month after Democrats blocked it from a floor vote. But Murkowski has vowed to try again.

The Senator Thursday penned a hand-delivered letter to Administrator Jackson, asking for a complete list of all individuals and businesses contacted by EPA staff. EPA's Andy told Dow Jones Newswires the congressional relations office only contacted Shell and the Auto Alliance.

"These unsolicited contacts with entities regulated by the EPA are particularly concerning, not only because your staff failed to reply to my explicit request for a discussion of the amendment itself, but also because I strongly disagree with your agency's assessment of the impact that amendment would have had," Murkowski said in the letter.

Shane Karr, the Auto Alliance's head of government affairs, said his group saw no errors in the EPA's concerns about the Murkowski amendment. If the EPA doesn't issue new emissions rules, more than a dozen states will be able to establish their own strict rules, creating a regulatory headache for the auto industry.

Shell said it originally expected the air permits to be approved in September, but the EPA has extended its public comment period for another month. Based on the lease costs and government resource estimates, Shell's programs could yield a major boom for the Alaskan economy.

"EPA called to explain their interpretation of the Murkowski amendment, which we shared with Senator Murkowski's staff," said Bill Tanner, Shell's senior press officer.

Tanner characterized EPA's warning as routine: "It's part of the day-to-day activities that occur as we analyze legislation."

The Murkowski amendment underwent changes following MacIntosh's call to Shell, which the EPA said fixed the potential air permit problem. However, it created a new problem for the auto industry.

The EPA said the revised Murkowski amendment would prevent the agency from issuing any new regulations for greenhouse gases, stationary or mobile. That would have given states such as California the ability to write their own new emissions laws, a problem for automakers who want a single national standard.

Concerned that Congress won't draft climate legislation to regulate and cut greenhouse gases on EPA's schedule, the Obama Administration has committed to using its executive authority under the Clean Air Act to control such emissions.

Many fear use of the act for greenhouse gases - which the authors say was not intended - would be a regulatory bludgeon compared to more finely crafted Congressional legislation, and could have a negative impact on the economy. Lawmakers say the EPA is threatening to use its authority to pressure Congress into action.

The day after Sen. Murkowski failed to get her amendment attached to the EPA appropriations bill, the agency proposed new rules to regulate major stationary emitters such as power plants, refineries and metal smelters.

By Ian Talley, Dow Jones Newswires; (202) 862 9285; [ian.talley@dowjones.com](mailto:ian.talley@dowjones.com);

Click here to go to Dow Jones NewsPlus, a web front page of today's most important business and market news, analysis and commentary: <http://www.djnewsplus.com/access/al?rnd=GgxXbxoQpFO6b9Z%2BMg3Vuw%3D%3D>. You can use this link on the day this article is published and the following day.

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
[andy.adora@epa.gov](mailto:andy.adora@epa.gov)

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Eric Wachter/OU=DC/O=USEPA/C=US  
**Sent:** Thur 10/8/2009 9:30:02 PM  
**Subject:** Fw: Appearance on HBO's "Real Time" with Bill Maher  
Hotspot

----- Forwarded by Eric Wachter/DC/USEPA/US on 10/08/2009 05:29 PM -----

**From:** Brian Hope/DC/USEPA/US  
**To:** Eric Wachter/DC/USEPA/US@EPA, Aaron Dickerson/DC/USEPA/US@EPA  
**Date:** 10/08/2009 05:27 PM  
**Subject:** Fw: Appearance on HBO's "Real Time" with Bill Maher

----- Forwarded by Brian Hope/DC/USEPA/US on 10/08/2009 05:27 PM -----

**Date:** 10/08/2009 02:54 PM  
**From:** Arvon Mitcham/AA/USEPA/US  
**To:** LisaP Jackson/DC/USEPA/US@EPA  
**cc:**  
**Subject:** Appearance on HBO's "Real Time" with Bill Maher

Dear Administrator:

My name is Arvon Mitcham and I work in the Office Transportation and Air Quality (OTAQ; Director, Margo T. Oge) under EPA's Office of Air and Radiation. I work at the National Vehicle and Fuel Emissions Laboratory in Ann Arbor, MI. I am also a huge fan of Bill Maher since his days on ABC's "Politically Incorrect" and now his show on HBO, "Real Time".

I saw your appearance on the show last Friday and I wanted to thank you for appearing on the show. I think you did a fantastic job of answering his questions and definitely raised the visibility of EPA. The show can be a tough place since the studio audience tends to be filled with the ultra-left on the political scale but you handled it well. I think EPA's brand awareness was raised with your appearance. Many people have a favorable view of us, unlike other parts of the government, but they don't really know what we do. I think your appearance went a long way to correct this. Also, you looked absolutely radiant!

Take care and keep up the good work.

- Arvon L. Mitcham  
Program Manager/Engineer  
U.S. Environmental Protection Agency  
Office of Transportation and Air Quality  
Compliance and Innovative Strategies Division

OEX Processing Information

Processed Date:  
Processed By  
PO Office      Category:  
  
Message Count

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Diane Thompson/OU=DC/O=USEPA/C=US  
**Sent:** Fri 10/9/2009 12:18:47 PM  
**Subject:** Re: Atrazine

Was this Larry doing the outreach? if not, shouldn't he be involved in this kind of thing? dt

\*\*\*\*\*

Diane E. Thompson  
Chief of Staff  
U. S. Environmental Protection Agency  
202-564-6999

From: Richard Windsor/DC/USEPA/US  
To: "Tom Vilsack" {**Personal Privacy**}  
Date: 10/08/2009 12:17 PM  
Subject: Re: Atrazine

Tom,

It appears my staff did give USDA proper notification.

Below is a list of all the outreach via phone calls that our staff did to advise interested parties, including the Department of Agriculture, about our announcement of our atrazine strategy.

As you can see, my staff had two calls with our contact at USDA, Teung Chin, Acting Director, Office of Pest Management Policy, Agricultural Research Service. Staff advised Mr. Chin Tuesday afternoon, the day before the press release was issued, and also included Mr. Chin on a call EPA had with the state agriculture departments yesterday after the release was issued. Communicating with Mr. Chin is the standard protocol EPA staff follow in communicating with the Dep't of Agriculture on our pesticide issues. Please let me know if you need any other information.

Tuesday, October 6, 2009 (afternoon)

U.S. Department of Agriculture (USDA), Teung Chin, Acting Director, Office of Pest Management Policy, Agricultural Research Service.

Wednesday, October 7, 2009 (morning) 1. Registrants (pesticide manufacturers): ▪ Syngenta ▪ Agan Chem Manufacturing, Ltd. ▪ Makhteshim-Agan Of North America, Inc. ▪ Drexel Chemical Company ▪ Oxon Italia S.P.A. ▪ Sipcam Agro USA, Inc. 2. Other Stakeholders: ▪ Natural Resources Defense Council (NRDC) ▪ American Water Works Association (AWWA) ▪ Triazine Network (a grower group) ▪ Kansas Corn Growers Association ▪ American Farm Bureau Federation 3. National Association of State Departments of Agriculture (NASDA) with USDA (Teung Chin)

From: TJV {**Personal Privacy**}  
Sent: 10/08/2009 08:20 AM AST  
To: Richard Windsor  
Subject: Atrazine

Lisa - would be helpful if your team could give us an advance heads up when you decide to open up a significant study on a chemical widely used in ag. Simply allows us to be able to explain and defend EPA when I am out in the countryside. Thanks.

Tom

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Robert Goulding/OU=DC/O=USEPA/C=US  
**Sent:** Fri 10/9/2009 2:54:11 PM  
**Subject:** Re: Oct 29th

No problem. Happy to track those #'s down. This is the current list I'm working from to get addresses and phone numbers for on our end for invites. If I need to add or subtract to comply with a specific list you're working from, can easily re-arrange.

**Deliberative**

Robert Goulding  
US EPA - Office of the Administrator  
1200 Pennsylvania Ave., NW  
Washington, DC 20460  
(p) 202-564-0473 - (f) 202-501-1450

\*Please consider the environment before printing this e-mail

**From:** Richard Windsor/DC/USEPA/US  
**To:** Robert Goulding/DC/USEPA/US@EPA  
**Date:** 10/09/2009 10:49 AM  
**Subject:** Re: Oct 29th

Cool. I've already called many of the specials. I will be sending a list of those folks that I don't have a phone number for to you, Aaron and Eric. If you email me the numbers, I will call them on my drive to NJ. Tx.

----- Original Message -----

From: Robert Goulding

Sent: 10/09/2009 10:46 AM EDT

To: Richard Windsor

Cc: Diane Thompson

Subject: Re: Oct 29th

I've checked, and to confirm we need to send the special guests invites out ourselves. I'm thinking that we're going to ship out hardcopies Tuesday with a possible short and personalized note from you (if you'd like) with a follow up call to their offices.

Robert Goulding

US EPA - Office of the Administrator

1200 Pennsylvania Ave., NW

Washington, DC 20460

(p) 202-564-0473 - (f) 202-501-1450

\*Please consider the environment before printing this e-mail

From: Richard Windsor/DC/USEPA/US

To: "Diane Thompson" <thompson.diane@epa.gov>, "Robert Goulding" <goulding.robert@epa.gov>

Date: 10/09/2009 10:07 AM

Subject: Oct 29th

I have added a few "specials." Are we sending those invitations out or is the WH?

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Robert Goulding/OU=DC/O=USEPA/C=US  
**Sent:** Fri 10/9/2009 4:05:12 PM  
**Subject:** Re: Oct 29th

Still working on it... Coming soon.

Robert Goulding  
US EPA - Office of the Administrator  
1200 Pennsylvania Ave., NW  
Washington, DC 20460  
(p) 202-564-0473 - (f) 202-501-1450

\*Please consider the environment before printing this e-mail

**From:** Richard Windsor/DC/USEPA/US  
**To:** Robert Goulding/DC/USEPA/US@EPA  
**Date:** 10/09/2009 10:58 AM  
**Subject:** Re: Oct 29th

I have called many of them already. Here are the numbers I need. Email works too if you find that.

**Deliberative**

----- Original Message -----

**From:** Robert Goulding  
**Sent:** 10/09/2009 10:54 AM EDT  
**To:** Richard Windsor  
**Subject:** Re: Oct 29th

No problem. Happy to track those #'s down. This is the current list I'm working from to get addresses and phone numbers for on our end for invites. If I need to add or subtract to comply with a specific list you're working from, can easily re-arrange.

**Deliberative**



**Deliberative**

Robert Goulding  
US EPA - Office of the Administrator  
1200 Pennsylvania Ave., NW  
Washington, DC 20460  
(p) 202-564-0473 - (f) 202-501-1450

\*Please consider the environment before printing this e-mail

From: Richard Windsor/DC/USEPA/US  
To: Robert Goulding/DC/USEPA/US@EPA  
Date: 10/09/2009 10:49 AM  
Subject: Re: Oct 29th

Cool. I've already called many of the specials. I will be sending a list of those folks that I don't have a phone number for to you, Aaron and Eric. If you email me the numbers, I will call them on my drive to NJ. Tx.

----- Original Message -----

From: Robert Goulding  
Sent: 10/09/2009 10:46 AM EDT  
To: Richard Windsor  
Cc: Diane Thompson  
Subject: Re: Oct 29th

I've checked, and to confirm we need to send the special guests invites out ourselves. I'm thinking that we're going to ship out hardcopies Tuesday with a possible short and personalized note from you (if you'd like) with a follow up call to their offices.

Robert Goulding  
US EPA - Office of the Administrator  
1200 Pennsylvania Ave., NW  
Washington, DC 20460  
(p) 202-564-0473 - (f) 202-501-1450

\*Please consider the environment before printing this e-mail

From: Richard Windsor/DC/USEPA/US  
To: "Diane Thompson" <thompson.diane@epa.gov>, "Robert Goulding" <goulding.robert@epa.gov>  
Date: 10/09/2009 10:07 AM  
Subject: Oct 29th

I have added a few "specials." Are we sending those invitations out or is the WH?

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** "Robert Goulding" [goulding.robert@epa.gov]  
**From:** CN=Robert Goulding/OU=DC/O=USEPA/C=US  
**Sent:** Fri 10/9/2009 4:26:01 PM  
**Subject:** Re: Fw: Oct 29th

Ugh - you really beat us to the punch. We've got most of the others if you need them again for any reason.

**Deliberative**

Robert Goulding  
US EPA - Office of the Administrator  
1200 Pennsylvania Ave., NW  
Washington, DC 20460  
(p) 202-564-0473 - (f) 202-501-1450

\*Please consider the environment before printing this e-mail

**From:** Richard Windsor/DC/USEPA/US  
**To:** "Robert Goulding" <goulding.robert@epa.gov>  
**Date:** 10/09/2009 12:06 PM  
**Subject:** Fw: Oct 29th

Actually, I can cut the list down even more. I need nuber or email for:

**Deliberative**

----- Original Message -----

**From:** Richard Windsor  
**Sent:** 10/09/2009 10:58 AM EDT  
**To:** Robert Goulding  
**Subject:** Re: Oct 29th

I have called many of them already. Here are the numbers I need. Email works too if you find that.

**Deliberative**

**Deliberative**

----- Original Message -----

From: Robert Goulding

Sent: 10/09/2009 10:54 AM EDT

To: Richard Windsor

Subject: Re: Oct 29th

No problem. Happy to track those #'s down. This is the current list I'm working from to get addresses and phone numbers for on our end for invites. If I need to add or subtract to comply with a specific list you're working from, can easily re-arrange.

**Deliberative**

Robert Goulding  
US EPA - Office of the Administrator  
1200 Pennsylvania Ave., NW  
Washington, DC 20460  
(p) 202-564-0473 - (f) 202-501-1450

\*Please consider the environment before printing this e-mail

From: Richard Windsor/DC/USEPA/US  
To: Robert Goulding/DC/USEPA/US@EPA  
Date: 10/09/2009 10:49 AM

Subject: Re: Oct 29th

Cool. I've already called many of the specials. I will be sending a list of those folks that I don't have a phone number for to you, Aaron and Eric. If you email me the numbers, I will call them on my drive to NJ. Tx.

----- Original Message -----

From: Robert Goulding

Sent: 10/09/2009 10:46 AM EDT

To: Richard Windsor

Cc: Diane Thompson

Subject: Re: Oct 29th

I've checked, and to confirm we need to send the special guests invites out ourselves. I'm thinking that we're going to ship out hardcopies Tuesday with a possible short and personalized note from you (if you'd like) with a follow up call to their offices.

Robert Goulding  
US EPA - Office of the Administrator  
1200 Pennsylvania Ave., NW  
Washington, DC 20460  
(p) 202-564-0473 - (f) 202-501-1450

\*Please consider the environment before printing this e-mail

From: Richard Windsor/DC/USEPA/US  
To: "Diane Thompson" <thompson.diane@epa.gov>, "Robert Goulding" <goulding.robert@epa.gov>  
Date: 10/09/2009 10:07 AM  
Subject: Oct 29th

I have added a few "specials." Are we sending those invitations out or is the WH?

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Diane Thompson/OU=DC/O=USEPA/C=US  
**Sent:** Fri 10/9/2009 9:12:00 PM  
**Subject:** Fw: Gulf Coast Rebuilding Weekly Update  
[here](#)

fyi

\*\*\*\*\*

Diane E. Thompson

Chief of Staff

U. S. Environmental Protection Agency

202-564-6999

----- Forwarded by Diane Thompson/DC/USEPA/US on 10/09/2009 05:11 PM -----

From: "Whelan, Moira" <Moira.Whehan@dhs.gov>

To: "Leshner, Jan" <Jan.Leshner@dhs.gov>, "Wareing, Tracy" <Tracy.Wareing@dhs.gov>, "Kayyem, Juliette" <Juliette.Kayyem@dhs.gov>, "Tennyson, Stephanie L" <Stephanie.Tennyson@dhs.gov>, "Smith, Sean" <Sean.Smith@dhs.gov>, "Kuban, Sara A" <Sara.Kuban@dhs.gov>, "McNamara, Jason" <Jason.Mcnamara@dhs.gov>, "Fugate, Craig" <Craig.Fugate@dhs.gov>,

Personal Privacy

Personal Privacy

"Stevens, Clark"

<Clark.Stevens@dhs.gov>, "Colburn, Brent" <Brent.Colburn@dhs.gov>, "Hart, Patrick" <Patrick.Hart@dhs.gov>, "Garratt, David" <david.garratt@dhs.gov>, "Wiggins, Chani Winn" <Chani.Wiggins@dhs.gov>, "Peacock, Nelson" <Nelson.Peacock@dhs.gov>, "Pressman, David" <David.Pressman@dhs.gov>, <joan.deboer@dot.gov>, <dave.gresham@hud.gov>,

Personal Privacy

<frederick.tombariii@hud.gov>,

<brian.gill@hud.gov>, "McDonald, Blair" <Blair.Mcdonald@dhs.gov>, <laura.petrou@hhs.gov>, <rima.cohen@hhs.gov>, "Contreras, January" <January.Contreras@dhs.gov>, "Gordon, Andrew S" <Andrew.Gordon@dhs.gov>,

Personal Privacy

Personal Privacy

Personal Privacy

Personal Privacy

<donny.williams@hud.gov>, <laurel.a.blatchford@hud.gov>, <

Personal Privacy

Personal Privacy

<Jennifer.a.greer@usace.army.mil>,

<Andrew.hagelin@hqda.army.mil>, <steven.l.stockton@usace.army.mil>,

<Zoltan.l.montvai@usace.army.mil>, "Grimm, Michael" <michael.grimm@dhs.gov>,

<Deborah.ingram@dhs.gov>, <cantor.eric@dol.gov>, <gambrelld@cdfi.treas.gov>, Allyn Brooks-

LaSure/DC/USEPA/US@EPA, <mark.newberg@sba.gov>, <steven.smith@sba.gov>,

<Donald.orndoff@va.gov>,

Personal Privacy

<John.cross@do.treas.gov>, <Danielle.l.schopp@hud.gov>, <

Personal Privacy

<theodore.a.brown@usace.army.mil>, <todd.m.richardson@hud.gov>, <dominique.blom@hud.gov>,

<jeffrey.riddel@hud.gov>, <david.vargas@hud.gov>, <mark.misczack@fema.gov>, "Fox, Katherine B"

<Katherine.B.Fox@dhs.gov>, "Monchek, Rafaela"

Personal Privacy

<rafaela.monchek@dhs.gov>, <carl.highsmith@dot.gov>, <david.matsuda@dot.gov>, "Duggan, Alaina"

<Alaina.Duggan@dhs.gov>, "Campbell, Matt" <matt.campbell@dhs.gov>,

Personal Privacy

<Jim.Hanlon/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA,

<donna.white@hud.gov>, <lnembhard@cns.gov>, <baker.angela@dol.gov>,

Personal Privacy

"McClure, Laura" <Laura.Mcclure@dhs.gov>,

<rstinson@eda.doc.gov>, <p davidson@eda.doc.gov>, <cosborne@eda.doc.gov>, <ginger.lew@sba.gov>,

<james.rivera@sba.gov>, <eric.zarnikow@sba.gov>, <chris.chan@sba.gov>, <ana.ma@sba.gov>,

<Matthew.Yale@ed.gov>, <johnr.gingrich@va.gov>, <mark.a.linton@hud.gov>, <alexia.kelley@hhs.gov>,

<cgrant2@doc.gov>, "Myers, David" <David.Myers1@dhs.gov>, "Schwartz, Alison" <Alison.Schwartz@dhs.gov>, "Goucher, Rob" <rob.goucher@dhs.gov>, <Honker.Bill@epamail.epa.gov>, Personal Privacy Personal Privacy <fbci@usda.gov>, <edpartners@ed.gov>, <jerry.flavin@sba.gov>, <fbci@usaid.gob>, <vafbnp@va.gov>, <jkelly@cns.gov>, <banks@cdfi.treas.gov>, <kerney-willist@cdfi.treas.gov>, <martineza@cdfi.treas.gov>, <Melanie.N.Roussell@hud.gov>  
Cc: "Woodka, Janet" <Janet.Woodka@dhs.gov>, "Banta, Drue" <Drue.Banta@dhs.gov>, "Watson, Shannon" <Shannon.Watson@dhs.gov>, "Fraser, Timothy" <Timothy.Fraser@dhs.gov>, "Simms, Nathan" <Nathan.Simms@dhs.gov>, "Stewart, Jessica" <Jessica.Stewart@dhs.gov>, "McConnell, Scott" <Scott.Mcconnell@dhs.gov>, "Lundqvist, Hanna" <Hanna.Lundqvist@dhs.gov>, "Horton, Eric" <Eric.Horton@dhs.gov>, "Lockett, Terrence" <Terrence.Lockett@dhs.gov>, "Gehring, Wendy" <Wendy.Gehring@dhs.gov>  
Date: 10/09/2009 04:47 PM  
Subject: Gulf Coast Rebuilding Weekly Update

Office of the Federal Coordinator for Gulf Coast Rebuilding  
Weekly Update 10/09/2009

For Official Use Only  
Do not distribute outside of the federal government.

The White House announced that President Obama's upcoming trip to New Orleans will take place on October 15. This week, HUD Secretary Shaun Donovan and Assistant Secretary for Public and Indian Housing Sandra Brooks-Henriquez announced that leadership will change at the Housing Authority of New Orleans (HANO). HANO's Board Chairwomen and Executive Director will be replaced with a senior management team selected by HUD. The senior management team will assume control of the day-to-day operations and have full decision making authority for the agency. The initial team will be on the ground by the end of October and the announcement of the new receiver is expected next week.

On October 8, the Louisiana delegation sent a letter to FEMA to express their dissatisfaction with the pace of the Special Community Disaster Loan cancellation final regulation release, to expedite the final rule making, and to ask for a meeting with Administrator Fugate about the regulations. In relation, in response to the T&I hearing on September 29, FEMA sent a letter to the Committee with a timeline for the release of the CDL final rule. Senator David Vitter sent a letter to the President with a list of hurricane recovery priorities for consideration in advance of the visit to Louisiana.

New Orleans Mayor Ray Nagin presented a preliminary report about the need for Stafford Act reform to the US Conference of Mayors Fall Leadership Meeting. Mayor Nagin and Sacramento Mayor Kevin Johnson will develop a Stafford Act reform white paper in the coming months.

Louisiana Department of Health and Hospitals Secretary Alan Levine was the keynote speaker at a business-sponsored health-care symposium where he reportedly said that he will be forced to make cuts to Louisiana's Medicaid program because federal officials aren't going to address Louisiana's Medicaid expected decrease in 2011 quickly enough to avoid cuts. "This cliff is not on anybody's radar screen," Levine said. Louisiana's fiscal year is July 1-June 30.

GCR and the Community Development Financial Institutions (CDFI) Fund hosted a conference call with non-profit housing developers to discuss the various community/economic development programs and opportunities available through the CDFI Fund. The purpose of the call was to help build understanding of the CDFI programs with the non-profit community.

The St. Bernard Parish Council voted Tuesday to move \$6 million of its federal long-term recovery money toward construction of a medical office building for the parish's long-awaited 40-bed hospital, which has still not begun construction.

An editorial by John Magginis entitled "Did Louisiana Gov. Jindal Play Kiss-Up To Obama On Health Care?" was published in local papers and Politico. "Louisiana seeks special treatment from the feds on pressing healthcare issues. It desperately needs a \$1 billion fix on its Medicaid match rate, caused by an artificial spike in personal

incomes in the post-hurricane economy. Also, if the state doesn't get all it seeks in arbitration with the Federal Emergency Management Agency to replace Charity Hospital in New Orleans, the president has said he would consider providing additional funding."

WWL featured a story this week about the mental health services in the Orleans Parish Prison, which is the largest in patient mental health facility in region.

On October 7 and 8, Ms. Jo Ellen Darcy, Assistant Secretary of the Army for Civil Works, visited the Corps' New Orleans and Mobile Districts. Ms. Darcy toured the Inner Harbor Navigation Canal storm surge barrier and other parts of the hurricane protection system and associated projects. She also gathered information about the Mississippi Coastal Improvements Program, a comprehensive plan for barrier island and ecosystem restoration in Jackson, Hancock and Harrison counties.

On Sunday, October 4, the Times-Picayune wrote a profile piece on Federal Coordinator Janet Woodka, to coincide with the White House's extension of the Office of the Federal Coordinator for Gulf Coast Rebuilding. The article focused on the Administration and the Office's approach to rebuilding, as well as the Federal Coordinator's background. The article is available [here](#).

Representatives of CMS, Louisiana Department of Health and Hospitals, and the Louisiana Public Health Institute had a conference call this week about the state's request to extend the September 30, 2010 deadline for use of the Primary Care Access and Stabilization Grant.

Musicians Bringing Musicians Home hosted a benefit for Sweet Home New Orleans on Monday, October 5 at the Rock and Roll Hotel in Washington, D.C.

The NATO Parliamentary Assembly visited New York City and New Orleans on an emergency preparedness and disaster response trip October 1-4. The group was in New Orleans Oct 3-4. The parliamentarians met with FEMA and GSA officials as well as representatives from the state of Louisiana. They also attended a function at the World War II museum hosted by Rep. Jo Ann Emerson, the Chairperson of the Parliamentary assembly.

The Children's Health Fund sponsored a disaster case management roundtable in Baton Rouge, LA.

On Monday, October 5, GCR briefed staff of the House Oversight and Government Reform Committee on health care and housing in Louisiana since Katrina. The purpose of the briefing was to help the Committee prepare for an upcoming field hearing to be held in New Orleans during November. Among the housing issues covered were the prevalence of Chinese drywall in housing developments, the successes and shortcomings of the Road Home program, and the "Big 4" housing developments. On health care, topics included the latest information on Charity Hospital and plans to rebuild, including the submission of its PW to arbitration, and the fate of the 85-90 community clinics now serving the New Orleans metropolitan area when the grant funds they receive run out next year.

This week, Federal Coordinator Janet Woodka met with Senator Landrieu; Congressmen Melancon, Cao and Taylor; and Albert Ruesga of GNO Inc. She also spoke with Jeffrey Schwartz of Transport for NOLA and Dr. Norman Francis of Xavier University of New Orleans and traveled to New Orleans where she met with members of the business community and local stakeholders.

GCR staff also met with Norman Roussel of the Capital Access Project and M. Harrison Boyd, head of the City of New Orleans' recovery office as well as with CEQ, regarding the development of the interagency working group related to coastal restoration, the Ocean's Policy Task Force's draft report and the public meeting scheduled for October 19 in New Orleans at the Audubon Aquarium.

Anna Deavere Smith opened a one-woman, off-Broadway show at the Second Stage Theatre called "Let Me Down Easy," which includes the recollection of Kiersta Kurtz-Burke, a physician at New Orleans' Charity Hospital.

#### Comings and Goings

On October 12, Senator Landrieu is scheduled to tour the Inner Harbor Navigation Canal storm surge barrier.

President Barack Obama will visit New Orleans on October 15.

CEQ will host a public meeting in New Orleans on October 19 to provide an opportunity for comment on the Interim Report of the Interagency Ocean Policy Task Force. The report declares that it is the policy of the United States to protect, maintain and restore coastal ecosystems; to improve resiliency of coastal communities; and to use the best available science to inform decisions affecting our coasts. The implementation strategy calls for "special emphasis" on strengthening coastal communities' resilience to climate change and establishing integrated ecosystem restoration for coastal regions including the Gulf Coast.



October 19-23, LTG Van Antwerp, Chief of the U.S. Army Corps of Engineers will be in New Orleans for a meeting with newly installed Corps District Commanders. The schedule includes several days of training and an update to the Chief.

On October 29-30, General Temple will be in New Orleans for site visits on the hurricane protection system. The House Oversight and Government Reform Committee may hold a field hearing in New Orleans in early November. The Committee is still determining the specific topic.

#### Forthcoming

In an initiative begun last week and continuing this weekend, Rebuilding Together New Orleans is staging one of its largest post-Katrina home repair efforts using hundreds of volunteers to refurbish 24 homes in New Orleans. The initiative is expected to attract 700 or more volunteers to seven neighborhoods: Mid-City, Hollygrove, Broadmoor, Gentilly, Esplanade Ridge/Treme, St. Roch and Holy Cross.

The Waterways Council, Inc.'s sixth annual Waterways Symposium will take place in New Orleans on Oct. 12-14. The conference will explore the challenges faced by the waterways industry including the changing economic environment, significant infrastructure needs, and a litany of legislative issues. Members of the Corps are expected to attend and possibly present.

Neighborhood Funders Group will host their annual conference October 12-15 in New Orleans at the Loews Hotel. The conference, entitled Stepping Up: Creating a New Social Compact, explores how philanthropy can support and expand vibrant civic engagement through partnerships between government, philanthropy and communities. GCR staff will attend.

The JCPA and CC-USA "Good Jobs, Green Jobs" mobilization will take place in New Orleans October 14-21.

On October 15, St. Bernard Parish President Craig Taffaro will hold a forum to discuss infrastructure and public facilities projects and take questions.

October 16-18 is the Mississippi Center for Justice's Great Mississippi River Road Trip, which highlights their work on advancing racial and economic justice across the state.

LANO will hold its annual conference in Baton Rouge October 20-22.

The Greek Orthodox Church Symposium on Religion, Science, and the Environment - "The Great Mississippi River: Restoring Balance" will be in New Orleans October 20 -26. This marks the first time that the symposium has been held in the United States. A number of Administration officials have been invited.

The Environmental Defense Fund will hold a reception in New Orleans the last week in October.

On October 28, PIANC USA, a worldwide non-political and non-profit technical and scientific organization established to promote both inland and maritime navigation, will host a one-day technical seminar at the Westin Canal Place in New Orleans on sustainability, environmental risks, and navigation. Col. Al Lee, Commander of the New Orleans District will address the group. PIANC USA membership is comprised of engineers, scientists, economists, planners, dredgers, port operators, regulators, and marina and vessel owners. PIANC USA is chaired by the Assistant Secretary of the Army (Civil Works) and the President is the USACE Deputy Commander.

Louisiana Lt. Governor Mitch Landrieu is hosting his Louisiana Cultural Economy Summit on October 29-30 in New Orleans.

The World War II Museum in New Orleans will celebrate the opening of a new wing, November 6-8 as part of a \$300 million expansion project, paid for through federal funds.

A GAO report on Gulf Coast Rebuilding and housing issues in the Gulf Coast is expected to be issued in December.

On December 2-4, the Soros Foundation will hold its annual conference in New Orleans.

The National Fusion Center Conference will be held in New Orleans in March, 2010.

Moira Whelan

Deputy, Office of the Federal Coordinator for Gulf Coast Rebuilding

202-325-0196

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=Aaron Dickerson/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Diane Thompson/OU=DC/O=USEPA/C=US  
**Sent:** Fri 10/9/2009 9:20:45 PM  
**Subject:** Fw: EMARGOED: Weekly Address: President Obama Praises Emerging Consensus on Health Insurance Reform  
[HERE](#)  
[www.whitehouse.gov](http://www.whitehouse.gov)

FYI

\*\*\*\*\*

Diane E. Thompson  
Chief of Staff  
U. S. Environmental Protection Agency  
202-564-6999  
----- Forwarded by Diane Thompson/DC/USEPA/US on 10/09/2009 05:20 PM -----

From: "Milakofsky, Benjamin E." <[Personal Privacy]>  
To: "Lu, Christopher P." <[Personal Privacy]> "Smith, Elizabeth S."  
[Personal Privacy] "Kimball, Astri B." [Personal Privacy] "French,  
Michael J." [Personal Privacy] "Greenawalt, Andrei M."  
[Personal Privacy] "Milakofsky, Benjamin E."  
[Personal Privacy] "Taylor, Adam R." [Personal Privacy]  
Date: 10/09/2009 05:19 PM  
Subject: EMARGOED: Weekly Address: President Obama Praises Emerging Consensus on Health Insurance Reform

Dear Chiefs of Staff:

Please see the below text of the President's weekly address.

--Cabinet Affairs

THE WHITE HOUSE  
Office of the Press Secretary

---

EMBARGOED UNTIL 6:00 AM ET, SATURDAY, October 10, 2009

WEEKLY ADDRESS: President Obama Praises Emerging Consensus on Health Insurance Reform

WASHINGTON – In his weekly address, President Barack Obama praised past and current political leaders from across the spectrum who have come forward to support reform. Doctors, nurses, hospitals, and drug companies have already expressed their support. In the past several days Governor Schwarzenegger, Mayor Bloomberg, former Senate Major Leader Bob Dole, and former Health and Human Services Secretary Tommy Thompson, among others, have all come forward to say that the status quo is unsustainable and that now is the time to reform the system. They see that this is a not a Democratic or a Republican problem, but an American one in need of a solution.

The full audio of the address is [HERE](#). The video can be viewed online at [www.whitehouse.gov](http://www.whitehouse.gov).

Remarks of President Barack Obama  
Weekly Address  
Washington, DC  
October 10, 2009

The historic movement to bring real, meaningful health insurance reform to the American people gathered momentum this week as we approach the final days of this debate. Having worked on this issue for the better part of a year, the Senate Finance Committee is finishing deliberations on their version of a health insurance reform bill that will soon be merged with other reform bills produced by other Congressional committees.

After evaluating the Finance Committee's bill, the Congressional Budget Office – an office that provides independent, nonpartisan analysis – concluded that the legislation would make coverage affordable for millions of Americans who don't have it today. It will bring greater security to Americans who have coverage, with new insurance protections. And, by attacking waste and fraud within the system, it will slow the growth in health care costs, without adding a dime to our deficits.

This is another milestone on what has been a long, hard road toward health insurance reform. In recent months, we've heard every side of every argument from both sides of the aisle. And rightly so – health insurance reform is a complex and critical issue that deserves a vigorous national debate, and we've had one. The approach that is emerging includes the best ideas from Republicans and Democrats, and people across the political spectrum.

In fact, what's remarkable is not that we've had a spirited debate about health insurance reform, but the unprecedented consensus that has come together behind it. This consensus encompasses everyone from doctors and nurses to hospitals and drug manufacturers.

And earlier this week, Governor Arnold Schwarzenegger of California and New York City Mayor Michael Bloomberg came out in support of reform, joining two former Republican Senate Majority Leaders: Bob Dole and Dr. Bill Frist, himself a cardiac surgeon. Dr. Louis Sullivan, Secretary of Health and Human Services under President George H.W. Bush, supports reform. As does Republican Tommy Thompson, a former Wisconsin governor and Secretary of Health and Human Services under President George W. Bush. These distinguished leaders understand that health insurance reform isn't a Democratic issue or a Republican issue, but an American issue that demands a solution.

Still, there are some in Washington today who seem determined to play the same old partisan politics, working to score political points, even if it means burdening this country with an unsustainable status quo. A status quo of rising health care costs that are crushing our families, our businesses, and our government. A status quo of diminishing coverage that is denying millions of hardworking Americans the insurance they need. A status quo that gives big insurance companies the power to make arbitrary decisions about your health care. That is a status quo I reject. And that is a status quo the American people reject.

The distinguished former Congressional leaders who urged us to act on health insurance reform spoke of the historic moment at hand and reminded us that this moment will not soon come again. They called on members of both parties seize this opportunity to finally confront a problem that has plagued us for far too long.

That is what we are called to do at this moment. That is the spirit of national purpose that we must summon right now. Now is the time to rise above the politics of the moment. Now is the time to come together as Americans. Now is the time to meet our responsibilities to ourselves and to our children, and secure a better, healthier future for generations to come. That future is within our grasp. So, let's go finish the job.

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Adora Andy/OU=DC/O=USEPA/C=US  
**Sent:** Fri 10/9/2009 9:34:07 PM  
**Subject:** Re: WASHINGTON EXAMINER:Obama seeks to silence the U.S. Chamber of Commerce  
Mark Tapscott  
"wonderful  
blistering response

quite funny.

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov

**From:** Richard Windsor/DC/USEPA/US  
**To:** Adora Andy/DC/USEPA/US@EPA  
**Date:** 10/09/2009 05:00 PM  
**Subject:** Re: WASHINGTON EXAMINER:Obama seeks to silence the U.S. Chamber of Commerce

Hahahaha

----- Original Message -----

**From:** Adora Andy  
**Sent:** 10/09/2009 04:58 PM EDT  
**To:** Richard Windsor; Bob Perciasepe; Bob Sussman; Gina McCarthy; Lisa Heinzerling; David McIntosh; Seth Oster; Allyn Brooks-LaSure  
**Cc:** Betsaida Alcantara; Brendan Gilfillan; Michael Moats; Arvin Ganesan  
**Subject:** WASHINGTON EXAMINER:Obama seeks to silence the U.S. Chamber of Commerce  
Washington Examiner  
Obama seeks to silence the U.S. Chamber of Commerce  
**By:** Mark Tapscott  
Editorial Page Editor  
10/09/09 2:33 PM EDT

Steven Chu, President Obama's energy secretary, is putting the power of the federal government behind a budding movement among politically correct Fortune 500 executives to pull out of the U.S. Chamber of Commerce. Chu told attendees at a solar power conference Thursday that it was "wonderful" to see the companies leaving the Chamber.

The chamber opposes many of the Obama administration's major energy policies and has called for a "Snopes Monkey trial-like" examination of the evidence for and against global warming. Among the firms pulling out of the Chamber, which has long been the chief lobbying voice on behalf of Fortune 500 and other business interests in the nation's capital, are Apple, Pacific Gas & Electric, and Exelon. Nike reportedly has withdrawn from the Chamber board, but continues as a member in order to lobby for a change in official Chamber policies.

Chu's comments sparked a blistering response from Marlo Lewis of the Competitive Enterprise Institute (CEI). Writing on the Open Market blog, Lewis called for Chu's resignation for crossing the line of appropriate criticism of a private organization by a spokesman for the White House:

"This crosses the line. The Secretary of Energy is not supposed to use the authority of his taxpayer-funded office to advocate the breakup of the Chamber of Commerce, or of any lawful private association, for that matter.

"Chu is of course free to criticize the Chamber's positions on climate policy. Even then, however, such criticism should be generic, focused on the positions, not on the organization, lest it have a chilling effect.

"But when Chu praises companies for leaving the Chamber, he is not only injecting himself into a quarrel that is none of his business; he is taking hostile action against the organization.

Imagine the outcry from congressional Democrats, the liberal media, and the environmental community if Bush energy secretary Samuel Bodman had urged companies to quit U.S. CAP, or if Bush EPA Administrator Steven Johnson told Sierra Club members to cancel their memberships."

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov

**To:** "Windsor, Richard" [Windsor.richard@epa.gov]; Thompson, Diane" [thompson.diane@epa.gov]; Perciasepe, Bob" [Perciasepe.Bob@epamail.epa.gov]  
**From:** CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US  
**Sent:** Sat 10/10/2009 12:23:46 AM  
**Subject:** Fw: Gulf Coast Rebuilding Weekly Update

MABL.

-----  
M. Allyn Brooks-LaSure  
Office of the Administrator  
U.S. Environmental Protection Agency  
Cell: [Personal Privacy]

From: "Whelan, Moira" [Moira.Whehan@dhs.gov]  
Sent: 10/09/2009 04:46 PM AST  
To: "Leshner, Jan" <Jan.Leshner@dhs.gov>; "Wareing, Tracy" <Tracy.Wareing@dhs.gov>; "Kayyem, Juliette" <Juliette.Kayyem@dhs.gov>; "Tennyson, Stephanie L" <Stephanie.Tennyson@dhs.gov>; "Smith, Sean" <Sean.Smith@dhs.gov>; "Kuban, Sara A" <Sara.Kuban@dhs.gov>; "McNamara, Jason" <Jason.Mcnamara@dhs.gov>; "Fugate, Craig" <Craig.Fugate@dhs.gov>;  
[Personal Privacy]  
[Personal Privacy] "Stevens, Clark"  
<Clark.Stevens@dhs.gov>; "Colburn, Brent" <Brent.Colburn@dhs.gov>; "Hart, Patrick"  
<Patrick.Hart@dhs.gov>; "Garratt, David" <david.garratt@dhs.gov>; "Wiggins, Chani Winn"  
<Chani.Wiggins@dhs.gov>; "Peacock, Nelson" <Nelson.Peacock@dhs.gov>; "Pressman, David"  
<David.Pressman@dhs.gov>; <joan.deboer@dot.gov>; <dave.gresham@hud.gov>;  
[Personal Privacy] <frederick.tombariii@hud.gov>;  
<brian.gill@hud.gov>; "McDonald, Blair" <Blair.Mcdonald@dhs.gov>; <laura.petrou@hhs.gov>;  
<rima.cohen@hhs.gov>; "Contreras, January" <January.Contreras@dhs.gov>; "Gordon, Andrew S"  
<Andrew.Gordon@dhs.gov>; [Personal Privacy]  
[Personal Privacy]  
[Personal Privacy]  
[Personal Privacy]  
[Personal Privacy] <donny.williams@hud.gov>; <laurel.a.blatchford@hud.gov>; [Personal Privacy]  
[Personal Privacy]  
[Personal Privacy] <Jennifer.a.greer@usace.army.mil>;  
<Andrew.hagelin@hqda.army.mil>; <steven.l.stockton@usace.army.mil>;  
<Zoltan.l.montvai@usace.army.mil>; "Grimm, Michael" <michael.grimm@dhs.gov>;  
<Deborah.ingram@dhs.gov>; <cantor.eric@dol.gov>; <gambrell@cdfi.treas.gov>; Allyn Brooks-LaSure;  
<mark.newberg@sba.gov>; <steven.smith@sba.gov>; <Donald.orndoff@va.gov>;  
[Personal Privacy] <John.cross@do.treas.gov>;  
<Danielle.l.schopp@hud.gov>; [Personal Privacy] <theodore.a.brown@usace.army.mil>;  
<todd.m.richardson@hud.gov>; <dominique.blom@hud.gov>; <jeffrey.riddel@hud.gov>;  
<david.vargas@hud.gov>; <mark.misczack@fema.gov>; "Fox, Katherine B" <Katherine.B.Fox@dhs.gov>;  
[Personal Privacy] "Monchek, Rafaela" <rafaela.monchek@dhs.gov>;  
<carl.highsmith@dot.gov>; <david.matsuda@dot.gov>; "Duggan, Alaina" <Alaina.Duggan@dhs.gov>;  
"Campbell, Matt" <matt.campbell@dhs.gov>; [Personal Privacy] Jim  
Hanlon; Diane Thompson; <donna.white@hud.gov>; <Inembhard@cns.gov>; <baker.angela@dol.gov>;

**Personal Privacy** "McClure, Laura" <Laura.Mcclure@dhs.gov>;  
<rstinson@eda.doc.gov>; <p davidson@eda.doc.gov>; <cosborne@eda.doc.gov>; <ginger.lew@sba.gov>;  
<james.rivera@sba.gov>; <eric.zarnikow@sba.gov>; <chris.chan@sba.gov>; <ana.ma@sba.gov>;  
<Matthew.Yale@ed.gov>; <johnr.gingrich@va.gov>; <mark.a.linton@hud.gov>; <alexia.kelley@hhs.gov>;  
<cgrant2@doc.gov>; "Myers, David" <David.Myers1@dhs.gov>; "Schwartz, Alison" <Alison.Schwartz@dhs.gov>;  
"Goucher, Rob" <rob.goucher@dhs.gov>; <Honker.Bill@epamail.epa.gov>; **Personal Privacy**  
<rnuzum@ceq.eop.gov>; <fbci@usda.gov>; <edpartners@ed.gov>; <jerry.flavin@sba.gov>; <fbci@usaid.gob>;  
<vafbnp@va.gov>; <jkelly@cns.gov>; <banks m@cdfi.treas.gov>; <kerney-willist@cdfi.treas.gov>;  
<martineza@cdfi.treas.gov>; <Melanie.N.Roussell@hud.gov>  
Cc: "Woodka, Janet" <Janet.Woodka@dhs.gov>; "Banta, Drue" <Drue.Banta@dhs.gov>; "Watson, Shannon"  
<Shannon.Watson@dhs.gov>; "Fraser, Timothy" <Timothy.Fraser@dhs.gov>; "Simms, Nathan"  
<Nathan.Simms@dhs.gov>; "Stewart, Jessica" <Jessica.Stewart@dhs.gov>; "McConnell, Scott"  
<Scott.Mcconnell@dhs.gov>; "Lundqvist, Hanna" <Hanna.Lundqvist@dhs.gov>; "Horton, Eric"  
<Eric.Horton@dhs.gov>; "Lockett, Terrence" <Terrence.Lockett@dhs.gov>; "Gehring, Wendy"  
<Wendy.Gehring@dhs.gov>  
Subject: Gulf Coast Rebuilding Weekly Update

**To:** "Richard Windsor" [Windsor.Richard@epamail.epa.gov]  
**From:** CN=Arvin Ganesan/OU=DC/O=USEPA/C=US  
**Sent:** Mon 10/12/2009 2:46:55 PM  
**Subject:** Fw: Draft Action Plan and Testimony  
[action plan draft 10-09-09 - clean.doc](#)  
[FINAL LPJ testimony re CWA.doc](#)  
[OECAQsAsCWAhearing.doc](#)

Here is the material that should have made the packet on friday. Q and a coming shortly.

Sent from my Blackberry Wireless Device

----- Original Message -----

From: Robert Goulding  
Sent: 10/12/2009 10:35 AM EDT  
To: Arvin Ganesan  
Subject: Fw: Draft Action Plan and Testimony  
In case u still need copies.

----- Original Message -----

From: Caroline Ahearn  
Sent: 10/09/2009 05:11 PM EDT  
To: Robert Goulding  
Cc: Cynthia Giles-AA; Catherine McCabe; Margaret Schneider  
Subject: Draft Action Plan and Testimony  
Attached, for the Administrator's book, is the draft testimony that was sent to OMB, OECA's Qs and As for the hearing, and the draft action plan.  
Please let me know if you have any questions or need any additional information. Thanks, Caroline

Caroline Ahearn  
Director  
Policy and Legislative Coordination Division  
Office of Administration and Policy  
Office of Enforcement and Compliance Assurance  
United States Environmental Protection Agency  
(202) 564-1716



**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Arvin Ganesan/OU=DC/O=USEPA/C=US  
**Sent:** Mon 10/12/2009 3:20:18 PM  
**Subject:** Re: Draft Action Plan and Testimony

No worries. I'm working on jurisdiction questions today. they could very likely be a republican focus

Sent from my Blackberry Wireless Device

----- Original Message -----  
From: Richard Windsor  
Sent: 10/12/2009 11:06 AM EDT  
To: Arvin Ganesan  
Subject: Re: Draft Action Plan and Testimony  
Oh. I do have it. Sorry.

----- Original Message -----  
From: Arvin Ganesan  
Sent: 10/12/2009 10:46 AM EDT  
To: Richard Windsor  
Subject: Fw: Draft Action Plan and Testimony  
Here is the material that should have made the packet on friday. Q and a coming shortly.

Sent from my Blackberry Wireless Device

----- Original Message -----  
From: Robert Goulding  
Sent: 10/12/2009 10:35 AM EDT  
To: Arvin Ganesan  
Subject: Fw: Draft Action Plan and Testimony  
In case u still need copies.

----- Original Message -----  
From: Caroline Ahearn  
Sent: 10/09/2009 05:11 PM EDT  
To: Robert Goulding  
Cc: Cynthia Giles-AA; Catherine McCabe; Margaret Schneider  
Subject: Draft Action Plan and Testimony  
Attached, for the Administrator's book, is the draft testimony that was sent to OMB, OECA's Qs and As for the hearing, and the draft action plan.  
Please let me know if you have any questions or need any additional information. Thanks, Caroline

[attachment "action plan draft 10-09-09 - clean.doc" deleted by Richard Windsor/DC/USEPA/US]

[attachment "FINAL LPJ testimony re CWA.doc" deleted by Richard Windsor/DC/USEPA/US]

[attachment "OECAQsAsCWAhearing.doc" deleted by Richard Windsor/DC/USEPA/US]

Caroline Ahearn  
Director  
Policy and Legislative Coordination Division  
Office of Administration and Policy  
Office of Enforcement and Compliance Assurance  
United States Environmental Protection Agency  
(202) 564-1716

**To:** "Lisa Jackson" [windsor.richard@epa.gov]  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Tue 10/13/2009 11:20:01 AM  
**Subject:** Fw: analysis of Executive branch climate reductions

fyi

Gina responded that an analysis was due to you this coming Friday.

From: "Pershing, Jonathan" [PershingJ@state.gov]  
Sent: 10/12/2009 10:16 AM AST  
To: Lisa Heinzerling; Gina McCarthy  
Subject: analysis of Executive branch climate reductions

Gina, Lisa:

**Deliberative**

Perhaps we can talk about this over the week?

Best,

Jonathan

Dr. Jonathan Pershing

Deputy Special Envoy for Climate Change

US Department of State, S/SECC

2201 C Street NW, Room 1427

Washington, DC

USA 20520

Tel: +1 202 647 4069

e-mail: [PershingJ@State.gov](mailto:PershingJ@State.gov)

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Gina  
McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=David  
McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Lisa  
Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Bob  
Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA[];  
N=Gina McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=David  
McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Lisa  
Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Bob  
Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA[];  
N=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Lisa  
Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Bob  
Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA[];  
N=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Bob  
Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA[];  
N=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Scott  
Fulton/OU=DC/O=USEPA/C=US@EPA[]; N=Scott Fulton/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=Aaron Dickerson/OU=DC/O=USEPA/C=US@EPA;CN=Robert  
Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA[];  
N=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Eric  
Wachter/OU=DC/O=USEPA/C=US@EPA[]; N=Eric Wachter/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Diane Thompson/OU=DC/O=USEPA/C=US  
**Sent:** Tue 10/13/2009 1:36:22 PM  
**Subject:** Fw: Talking Points: Obama Administration Commitment to Passing Comprehensive  
Energy Legislation

FYI

\*\*\*\*\*

Diane E. Thompson  
Chief of Staff  
U. S. Environmental Protection Agency  
202-564-6999

----- Forwarded by Diane Thompson/DC/USEPA/US on 10/13/2009 09:34 AM -----

From: "Milakofsky, Benjamin E." [Personal Privacy]  
To: "Lu, Christopher P." [Personal Privacy], "Smith, Elizabeth S."  
[Personal Privacy], "Kimball, Astri B." [Personal Privacy], "French,  
Michael J." [Personal Privacy], "Greenawalt, Andrei M."  
[Personal Privacy], "Milakofsky, Benjamin E."  
[Personal Privacy], "Taylor, Adam R." [Personal Privacy]  
Date: 10/13/2009 08:21 AM  
Subject: Talking Points: Obama Administration Commitment to Passing Comprehensive Energy Legislation

Dear Chiefs of Staff:

Please see the below talking points on comprehensive energy legislation.

--Cabinet Affairs

Talking Points: Obama Administration Commitment to Passing Comprehensive Energy Legislation

- The President is committed to passing comprehensive energy legislation as quickly as possible –

legislation that includes a cap on carbon emissions that will create incentives to invest in renewable energy. Comprehensive energy legislation will create millions of clean energy jobs and reduce our dangerous dependence on foreign oil.

- The President's energy team has met with over half of the Senators to discuss comprehensive energy legislation. The administration has taken an all hands on deck approach – it's not just the Secretary of Energy playing a role, even HUD and the VA have been engaged in these efforts because of the broad based impacts transitioning to a clean energy economy would have.
- The team has discussed the legislation with 100 mayors in 17 states. And they have held more than 50 events in 24 states to build support for the passage of clean energy legislation.
- The Clean Air Act took years to pass. This administration engaged from Day 1 to pass comprehensive energy legislation, and with our strong engagement, the bill passed out of the House with bipartisan support in 5 months.
- Coordinating with Congress and key stakeholders, we have made progress on other fronts. We made a historic investment in renewable energy in the Recovery Act, which is leading job creation across the energy sector in areas from weatherization to wind and solar power. And we have achieved a national policy to reduce emissions and create the efficient automobiles of the future that has led to certainty for the American automakers, will save consumers money and conserve millions of barrels of oil.
- There are many committees of jurisdiction and Senators who rightfully want to ensure that their states stand to gain from the legislation. That's why we have been engaged in a dialogue for months to ensure that the legislation ensures that all regions of the country see a positive impact from transitioning to a clean energy economy, and that we account for the impacts it may have on trade intensive industries and manufacturing.
- The U.S. needs a major growth driver to move us from a bubble and bust economy. One of the next major sectors to emerge will be clean energy. Our trading partners around the world know that – which is why China and other countries have begun to invest heavily in clean energy research and development. These jobs will be created somewhere in the world – the President wants to ensure they're created here in America.
- We have also been engaged in an effort this year to rally countries around the world to combat the dangerous effects of climate change and intend to continue to play a leading role in those negotiations in Copenhagen.

**To:** "Lawrence Elworth" [Elworth.Lawrence@epamail.epa.gov]  
**Cc:** "Richard Windsor" [Windsor.Richard@epamail.epa.gov]  
**From:** CN=Robert Goulding/OU=DC/O=USEPA/C=US  
**Sent:** Tue 10/13/2009 8:28:02 PM  
**Subject:** Fw: Re:

FYI Larry

----- Original Message -----

From: Richard Windsor  
Sent: 10/11/2009 01:41 PM EDT  
To: Robert Goulding  
Subject: Fw: Re:  
need 15 minute call w vilsack

----- Forwarded by Richard Windsor/DC/USEPA/US on 10/11/2009 01:42 PM -----

From: TJV <[Personal Privacy]>  
To: Richard Windsor/DC/USEPA/US@EPA  
Date: 10/09/2009 04:58 PM  
Subject: Re:

Yes - that would be helpful.

From: Windsor.Richard@epamail.epa.gov  
To: TJV  
Sent: Fri Oct 09 16:56:14 2009  
Subject: Re:  
Its from "Inside EPA"

Deliberative

**Deliberative**

From: TJV <[Personal Privacy]>  
Sent: 10/09/2009 04:53 PM AST  
To: Richard Windsor  
Subject: Fw:

Lisa - any truth to this article?

Tom

----- Original Message -----

From: Leslie, Grant  
To: [Personal Privacy] <[Personal Privacy]>  
Sent: Fri Oct 09 16:50:53 2009

EPA WORRIES ETHANOL WAIVER APPROVAL WOULD BOOST GHG EMISSIONS

EPA officials fear that approving a pending ethanol industry request to increase the amount of ethanol allowed in gasoline up to 15 percent (E15) will result in higher greenhouse gas (GHG) emissions, but

despite those concerns EPA by law cannot consider GHGs in its response to the waiver request.

The agency is also eager to delay a final decision on the request until next summer to take into account the upcoming results of Department of Energy (DOE) testing on the impacts of E15 on newer vehicles, sources say. However, under the Clean Air Act the agency is required to make a decision no later than Dec. 1.

Industry sources say the agency is considering whether it can defer a decision over concerns that if it is forced to address the waiver on its merits it would result in a denial -- which is seen as politically unpalatable.

EPA faces tremendous political pressure to approve the waiver sought by Growth Energy to allow blends of up to E15 in gasoline, including from President Obama, who has stated his support for expanding biofuels and reducing dependence on foreign oil. For example, Obama this summer vowed to remove "artificial barriers" to biofuels, which was seen as an indication the agency would grant limited approval for E15 to be used in newer vehicles that meet EPA Tier II emissions standards (Inside EPA, June 5).

At a meeting with industry in September, one EPA official said the agency has major concerns that approving E15 will boost GHG emissions, according to an energy expert who attended the meeting.

But the air act prevents the agency from considering increases in GHG emissions as a factor in whether to approve or deny the waiver request. The statute limits EPA to only considering whether a new fuel blend will harm emissions control devices, and requires a decision within 270 days of receiving a request to waive the existing fuel blend limits that prohibit the sale of ethanol blends above E10.

An auto industry source says EPA's concerns over E15 boosting GHG emissions are valid, citing a range of environmental impacts from ethanol that can increase GHGs. "There is no question that as the amount of ethanol blended with gasoline increases, the fuel economy of the vehicle will decrease," the source says. "Over time, whether through the indirect land use impacts of increased ethanol production or through decreased fuel economy from vehicles operating on higher blends of ethanol, there are concerns about GHG emissions."

The energy expert says the EPA official at the meeting with industry acknowledged "a lot of politics being played with respect to ethanol" and its impact on GHGs. "So they are under pressure to approve E15 even though they have concerns about GHGs," according to the source.

EPA has pledged to use a scientific approach for determining biofuels' lifecycle GHG emissions under its separate proposal to increase the mandate for use of biofuels under the Renewable Fuels Standard (RFS), which has found that corn ethanol fails to meet a congressional requirement that it be at least 20 percent less GHG intensive than petroleum.

The source notes that despite the agency's pledge to base its decisions on sound science, on ethanol it has started to "fudge." For example, biofuels' supporters won a significant concession from EPA Administrator Lisa Jackson who agreed to include uncertainties surrounding EPA's calculation of indirect land use impacts of biofuels in the final RFS (Inside EPA, Oct. 2).

While EPA wrestles with its concerns over increased GHG emissions from E15, the agency is also said to be looking at a possible deferral of a decision by citing a lack of data on how the higher blends will impact engines -- a factor that under the air act is a central determining factor on the waiver request.

Industry sources say EPA is considering whether it can legally defer a decision beyond the 270 day limit, or Dec. 1, by stating concerns that if the agency is forced to address the waiver on its merits, based on existing information on engine impacts, it would have no choice but to deny the request.

Although the air act mandates that EPA make the decision in a set time frame, the agency could seek to delay a decision until DOE completes its testing of E15's impacts on vehicles that meet agency Tier II emission standards.



That testing is slated for completion in the summer, so EPA may be able to issue a partial waiver approval limiting E15 to those vehicles conditional on the tests supporting that approach, industry sources say.

However, sources agree that any attempt by EPA to delay a decision would inevitably spur litigation challenging such a postponement.

The agency “would like to defer [acting on the waiver] until the DOE testing is complete. The potential exists that if they try to defer, or don’t act, that someone may sue to force a decision,” an engine industry source says. “But by the time that winds its way through the courts, you would have a decision.”

A petroleum industry source adds, “They don’t have the technical data to justify [approval] but the politics are tough for them. . . . We continue to believe what they’re going to do is decide the testing is incomplete, and if they do that they can defer action. . . . We’re fairly comfortable that they’re not going to approve it.”

The engine industry source warns, however, that some groups both in favor of the waiver and opposed to it are pressing EPA to issue a yes or no decision this year.

And a Growth Energy source says delay is not a valid option for EPA. “They have 270 days from our filing, so it would be our expectation that they would have to respond yes or no, as opposed to ‘We still need more information.’ That’s what the law says.” -- Dawn Reeves

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Adora Andy/OU=DC/O=USEPA/C=US  
**Sent:** Wed 10/14/2009 12:35:33 AM  
**Subject:** Re: AP: Endangerment updated story

Amen! Good coverage so far.

----- Original Message -----

From: Richard Windsor  
Sent: 10/13/2009 08:33 PM EDT  
To: Adora Andy  
Subject: Re: AP: Endangerment updated story  
Nice

----- Original Message -----

From: Adora Andy  
Sent: 10/13/2009 08:09 PM EDT  
To: "Richard Windsor" <windsor.richard@epa.gov>; "Seth Oster" <oster.seth@epa.gov>; "Allyn Brooks-LaSure" <brooks-lasure.allyn@epa.gov>; Diane Thompson; "Bob Sussman" <sussman.bob@epa.gov>; Lisa Heinzerling; David McIntosh  
Cc: "Betsaida Alcantara" <alcantara.betsaida@epa.gov>; "Brendan Gilfillan" <gilfillan.brendan@epa.gov>; Michael Moats  
Subject: AP: Endangerment updated story  
Obama EPA releases Bush-era global warming finding  
By DINA CAPPIELLO – 2 hours ago

WASHINGTON — A controversial e-mail message buried by the Bush administration because of its conclusions on global warming surfaced Tuesday, nearly two years after it was first sent to the White House and never opened.

The e-mail and the 28-page document attached to it, released Tuesday by the Environmental Protection Agency, show that back in December of 2007 the agency concluded that six gases linked to global warming pose dangers to public welfare, and wanted to take steps to regulate their release from automobiles and the burning of gasoline.

The document specifically cites global warming's effects on air quality, agriculture, forestry, water resources and coastal areas as endangering public welfare.

That finding was rejected by the Bush White House, which strongly opposed using the Clean Air Act to address climate change and stalled on producing a so-called "endangerment finding" that had been ordered by the Supreme Court in 2007.

As a result, the Dec. 5 e-mail sent by the agency to Susan Dudley, who headed the regulatory division at the Office of Management and Budget was never opened, according to Jason Burnett, the former EPA official that wrote it.

The Bush administration, and then EPA administrator Stephen Johnson, also refused to release the document, which is labeled "deliberative, do not distribute" to Democratic lawmakers. The White House instead allowed three senators to review it last summer, when excerpts were released.

The Obama administration in April made a similar determination, but also concluded that greenhouse

gases endanger public health. The EPA is currently drafting the first greenhouse gas standards for automobiles, and recently signaled it would attempt to reduce climate-altering pollution from refineries, factories and other large industrial sources.

In response, the U.S. Chamber of Commerce and Republican lawmakers have criticized the EPA's reasoning and called for a more thorough vetting of the science. An internal review by a dozen federal agencies released in May also raised questions about the EPA's conclusion, saying the agency could have been more balanced and raising questions about the difficulty in linking global warming to health effects.

The agency released the e-mail and documents after receiving requests under the Freedom of Information Act.

Adora Andy, a spokeswoman for EPA administrator Lisa Jackson, said Tuesday that the draft shows the science in 2007 was as clear as it is today.

"The conclusions reached then by the EPA scientists should have been made public and should have been considered," she said

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Adora Andy/OU=DC/O=USEPA/C=US  
**Sent:** Wed 10/14/2009 5:52:33 PM  
**Subject:** Re: NYT: Scientists Return Fire at Climate Skeptics in 'Destroyed Data' Dispute  
[Greenwire](#)  
[petitioned](#)  
[E&ENews PM](#)  
[www.greenwire.com](http://www.greenwire.com)

Don't you love it?!

----- Original Message -----

From: Richard Windsor  
Sent: 10/14/2009 01:44 PM EDT  
To: Adora Andy  
Subject: Re: NYT: Scientists Return Fire at Climate Skeptics in 'Destroyed Data' Dispute  
Hahahaha

----- Original Message -----

From: Adora Andy  
Sent: 10/14/2009 01:16 PM EDT  
To: Richard Windsor; Bob Sussman; Seth Oster; Allyn Brooks-LaSure; Lisa Heinzerling; David McIntosh; Gina McCarthy; Diane Thompson; Bob Perciasepe  
Cc: Betsaida Alcantara; Brendan Gilfillan; Michael Moats; Stephanie Owens; Arvin Ganesan  
Subject: NYT: Scientists Return Fire at Climate Skeptics in 'Destroyed Data' Dispute

NEW YORK TIMES

October 14, 2009

Scientists Return Fire at Climate Skeptics in 'Destroyed Data' Dispute

By ROBIN BRAVENDER of Greenwire

Climate scientists are refuting claims that raw data used in critical climate change reports has been destroyed, rendering the reports and policies based on those reports unreliable.

The Competitive Enterprise Institute, a free-market advocacy group, is arguing that U.S. EPA's climate policies rely on raw data that have been destroyed and are therefore unreliable. The nonprofit group -- a staunch critic of U.S. EPA's efforts to regulate greenhouse gases -- petitioned (pdf) the agency last week to reopen the public comment period on its proposed "endangerment finding" because the data set had been lost (E&ENews PM, Oct. 9).

But climate scientists familiar with the data insist that the reports are based on sound science and that the data in question was altered as part of standard operating procedure to ensure consistency across reporting stations.

At issue is raw data from the Climatic Research Unit at the University of East Anglia in Norwich, England, including surface temperature averages from weather stations around the world. The data was used in assessments by the Intergovernmental Panel on Climate Change, reports that EPA has used in turn to formulate its climate policies.

Citing a statement on the research unit's Web site, CEI blasted the research unit for the "suspicious destruction of its original data." According to CRU's Web site, "Data storage availability in the 1980s meant that we were not able to keep the multiple sources for some sites, only the station series after adjustment for homogeneity issues. We, therefore, do not hold the original raw data but only the value-added (i.e. quality controlled and homogenized) data."

Phil Jones, director of the Climatic Research Unit, said that the vast majority of the station data was not altered at all, and the small amount that was changed was adjusted for consistency.

The research unit has deleted less than 5 percent of its original station data from its database because the

stations had several discontinuities or were affected by urbanization trends, Jones said.

"When you're looking at climate data, you don't want stations that are showing urban warming trends," Jones said, "so we've taken them out." Most of the stations for which data was removed are located in areas where there were already dense monitoring networks, he added. "We rarely removed a station in a data-sparse region of the world."

Refuting CEI's claims of data-destruction, Jones said, "We haven't destroyed anything. The data is still there -- you can still get these stations from the [NOAA] National Climatic Data Center."

Tom Karl, director of the National Oceanic and Atmospheric Administration's National Climatic Data Center in Asheville, N.C., noted that the conclusions of the IPCC reports are based on several data sets in addition to the CRU, including data from NOAA, NASA and the United Kingdom Met Office. Each of those data sets basically show identical multi-decadal trends, Karl said.

Still, CEI's general counsel Sam Kazman remains skeptical of the IPCC's conclusions. The fact that the report relies on several data sets "doesn't really answer the issue," he said.

CEI and Cato Institute senior fellow Patrick Michaels argued that the "destruction of [CRU's] raw data violates basic scientific norms regarding reproducibility, which are especially important in climatology."

Ben Santer, a climate scientist at Lawrence Livermore National Laboratory, dismissed that argument. "Raw data were not secretly destroyed to avoid efforts by other scientists to replicate the CRU and Hadley Centre-based estimates of global-scale changes in near-surface temperature," he wrote in comments to the advocacy group Climate Science Watch.

Santer said CRU's major findings were replicated by other groups, including the NOAA climatic data center, the NASA Goddard Institute for Space Studies, and also in Russia.

Copyright 2009 E&E Publishing. All Rights Reserved.

For more news on energy and the environment, visit [www.greenwire.com](http://www.greenwire.com).

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
[andy.adora@epa.gov](mailto:andy.adora@epa.gov)

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Adora Andy/OU=DC/O=USEPA/C=US  
**Sent:** Wed 10/14/2009 8:35:21 PM  
**Subject:** Re: Baltimore Sun: Tomorrow's Climate Editorial

Ha... party won't last long... Ian Talley's on the prowl.

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov

From: Richard Windsor/DC/USEPA/US  
To: Adora Andy/DC/USEPA/US@EPA  
Date: 10/14/2009 04:19 PM  
Subject: Re: Baltimore Sun: Tomorrow's Climate Editorial

Go Andy, its your bithday...

----- Original Message -----

From: Adora Andy  
Sent: 10/14/2009 03:45 PM EDT  
To: "Richard Windsor" <windsor.richard@epa.gov>; "Seth Oster" <oster.seth@epa.gov>; "Allyn Brooks-LaSure" <brooks-lasure.allyn@epa.gov>; Lisa Heinzerling; David McIntosh; "Bob Sussman" <sussman.bob@epa.gov>; Diane Thompson; Bob Perciasepe  
Cc: "Betsaida Alcantara" <alcantara.betsaida@epa.gov>; "Brendan Gilfillan" <gilfillan.brendan@epa.gov>; Michael Moats; "Arvin Ganesan" <ganesan.arvin@epa.gov>  
Subject: Baltimore Sun: Tomorrow's Climate Editorial  
Baltimore Sun  
Tomorrow's editorials: Climate change progress and city pensions

Here are previews of some editorials we're working on. Let us know what you think. The best comments will appear alongside them in the print edition.

--Efforts to pass climate change legislation through Congress in time for the international summit in Copenhagen received an unexpected boost from Republican sources this week. The first, and perhaps most important, was South Carolina Republican Sen. Lindsey Graham's decision to join Massachusetts Democratic Sen. John Kerry in a bipartisan climate bill that includes — gasp! — the cap-and-trade provision so often derided by conservatives. But for those frustrated by the pseudo-science and quackery of climate change opponents who continue to bury their heads in the warming sand, the second was just as satisfying: Turns out the U.S. Environmental Protection Agency under President George W. Bush was just as alarmed by climate change as the rest of the mainstream scientific community. The infamous e-mail from the EPA that the White House refused to even open in 2007 was released this week under a Freedom of Information Act request filed by Greenwire, the environmental news service. As expected, the e-mail shows that the agency, under Republican leadership, expressed the same concerns about the

impact of greenhouse gases that the EPA under President Obama does today. The “U.S. and the rest of the world are experiencing the effects of climate change now,” the Bush-era memo concludes. It also warns of rising sea levels, drought, violent weather, outbreaks of disease and greater numbers of heat-related deaths. Any similarities between the language of that dire forecast and the one EPA provided earlier this year is strictly common-sensical. The agency’s choice to move forward with an endangerment finding under the Clean Air Act that could soon lead to strict regulations imposed on major carbon producers was, if anything, overdue. The Graham-Kerry bill won’t please everyone in the green community. It would open up more off-shore sites to oil and natural gas exploration, for instance, and would promote nuclear and clean coal technologies that have significant environmental drawbacks.

**To:** CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]; N=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Bob Sussman/OU=DC/O=USEPA/C=US  
**Sent:** Wed 10/14/2009 10:05:04 PM  
**Subject:** Fw: More from Charleston about the Hearing  
[corps1.JPG](#)  
[reports this morning](#)  
[recounts similar stories](#)  
[The Associated Press story concluded](#)  
[explained how some environmental group speakers lost some of their time](#)  
[\(embedded image\)](#)

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency  
----- Forwarded by Bob Sussman/DC/USEPA/US on 10/14/2009 06:04 PM -----

**From:** Gregory Peck/DC/USEPA/US  
**To:** Bob Sussman/DC/USEPA/US@EPA  
**Cc:** Suzanne Schwartz/DC/USEPA/US@EPA, Kevin Minoli, mklasen@ceq.eop.gov  
**Date:** 10/14/2009 04:12 PM  
**Subject:** More from Charleston about the Hearing

Corps: MTR hearing 'conducted in an orderly fashion'  
by Ken Ward Jr.

Corps of Engineers officials, left to right, Deb Tabor, Robert Peterson, Ginger Mullins, and Meg Gaffney-Smith, ran last night's public hearing on mountaintop removal. Gazette photo by Chris Dorst.  
My buddy Ry Rivard at the Charleston Daily Mail (whose editors must not care about coal miners, since they buried his story inside their paper) reports this morning on some mountaintop removal opponents who couldn't get into last night's hearing and didn't get much help from local police.  
On The Huffington Post, Jeff Biggers recounts similar stories from coalfield activists.  
The lead of The Associated Press story concluded that coal supporters "shouted down" those who disagreed with them, and Erica Peterson at West Virginia Public Broadcasting explained how some environmental group speakers lost some of their time at the microphone because the yelling and jeering drowned the out.  
But when I asked Meg Gaffney-Smith, chief of the U.S. Army Corps of Engineers permitting program, about all of this, here's what she said:  
I believe that the hearing was conducted in an orderly fashion. It was conducted in an appropriate fashion.  
Gaffney-Smith, who works in Washington but was in Charleston for last night's hearing, continued:



I think it is difficult to manage the safety of all speakers and the intent was to ensure that the Corps could hear what was said and ensure the safety of all speakers.

Now during the hearing, Bill Price of the Sierra Club specifically asked Corps Col. Robert Peterson to have local police remove folks who were disrupting other speakers from the room.

Peterson refused, and Gaffney-Smith explained this decision to me by saying that Corps officials and local authorities were worried that removing some of the coal supporters could create a "safety problem" for Corps officials, police and other speakers in attendance. Instead, Gaffney-Smith said, the strategy was to try to "redirect" the situation so that the Corps could hear everybody who wanted to speak. She said:

My belief is that we were able to maintain order and receive comments from all of the speakers.

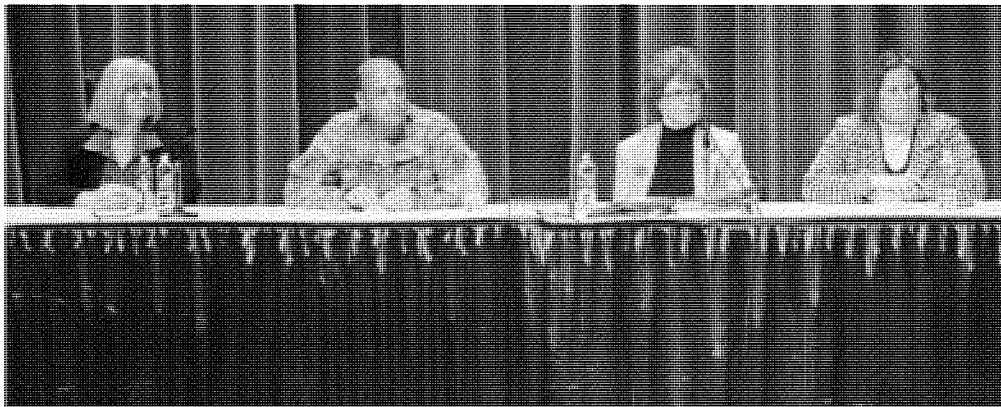
I don't believe anyone was intimidated from speaking. We recognized that people were passionate and very vocal. They probably could have been more respectful.

And here's some video of the scene outside the Civic Center:

---

Gregory E. Peck  
Chief of Staff  
Office of Water  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460

202-564-5778



**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** "Peter Silva" [Silva.Peter@epamail.epa.gov]  
**From:** CN=Arvin Ganesan/OU=DC/O=USEPA/C=US  
**Sent:** Wed 10/14/2009 10:19:46 PM  
**Subject:** Re: FDA Outreach: New FDA Web Page Lists Disposal Instructions for Select Medicines  
[Web page](#)  
<http://www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/ucm186598.htm>  
[More information on proper drug disposal \(PDF\)](#)  
[About PDF](#)  
[Information on EPA's research in pharmaceuticals and personal care products in the environment](#)

## Deliberative

ARVIN R. GANESAN  
Deputy Associate Administrator  
Congressional Affairs  
Office of the Administrator  
United States Environmental Protection Agency  
Ganesan.Arvin@epa.gov  
(p) 202.564.5200  
(f) 202.501.1519

**From:** Richard Windsor/DC/USEPA/US  
**To:** Arvin Ganesan/DC/USEPA/US@EPA  
**Cc:** "Peter Silva" <Silva.Peter@epamail.epa.gov>  
**Date:** 10/14/2009 06:14 PM  
**Subject:** Re: FDA Outreach: New FDA Web Page Lists Disposal Instructions for Select Medicines

## Deliberative

----- Original Message -----

**From:** Arvin Ganesan  
**Sent:** 10/14/2009 05:39 PM EDT  
**To:** Richard Windsor; Peter Silva; Cynthia Giles-AA; Bob Perciasepe; Bob Sussman  
**Subject:** Fw: FDA Outreach: New FDA Web Page Lists Disposal Instructions for Select Medicines

Administrator,

I doubt that this will come up - simply since I haven't seen any press on this announcement, but apparently FDA has put out release saying that in some cases drugs should be flushed down the drain. The release (which i the first pasted document below) is much less specific than their Q&A (which is below the release). If you are asked whether you think, given this FDA release, pharmaceuticals in the environment do or do not pose a problem to human health or the environment, I would recommend that you say that

## Deliberative

Thanks.

ARVIN R. GANESAN

Deputy Associate Administrator  
Congressional Affairs  
Office of the Administrator  
United States Environmental Protection Agency  
Ganesan.Arvin@epa.gov  
(p) 202.564.5200  
(f) 202.501.1519  
-

The U.S. Food and Drug Administration today launched a Web page for consumers with information on how to dispose of certain drugs, including several high-potency opioids and other selected controlled substances. These medicines have the potential to be harmful, even deadly, in a single dose if taken by someone other than the intended person.

The FDA recommends that these medicines be disposed of by flushing down the sink or toilet. The goal is to keep them away from children and others who could be harmed by taking them accidentally.

Medicines not listed should be thrown away in the household trash after mixing them with some unpalatable substance, such as coffee grounds, and sealing them in a bag or other container. Another option is to dispose of them through drug take back programs, if federal and state law permit.

"The safe disposal of medicines from the home after they are no longer needed is an important concern for the FDA," said Douglas Throckmorton, M.D., deputy center director of FDA's Center for Drug Evaluation and Research. All medicines listed have disposal instructions in their professional prescribing information; however, this information is targeted to health care professionals. The Web page provides clear instructions for consumers on whether a medicine should be flushed or disposed of in the trash.

Throckmorton also said, "The FDA is working with other groups to improve the use of several drug disposal methods, including drug take back programs. However, for some potent medicines that can cause harm or death if inadvertently taken by family members, the FDA currently recommends flushing them down the sink or toilet to immediately and permanently remove them from the home. Simple precautions like these can reduce the likelihood of accidental and potentially dangerous exposure to unused medicines."

The FDA worked with the White House Office of National Drug Control Policy (ONDCP) to develop the first consumer guidance for proper disposal of prescription drugs. The ONDCP federal guidelines were first issued in February 2007.

For additional information, please visit

<http://www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/ucm186598.htm>.

#### FDA Q&A

Should pharmaceutical waste be disposed of down the drain or via sewer systems?

In many instances, at health care facilities and pharmacies, pharmaceuticals are sent to a regulated medical waste incinerator. Additionally, many pharmaceutical wastes are disposed of down the drain. EPA generally considers sewer disposal inadvisable for pharmaceuticals and discourages this practice, unless specifically required by the label on the particular pharmaceutical. More information on proper drug disposal (PDF) (1 pg, 95K, About PDF). In hospitals and other health care facilities, the practice of disposing of pharmaceuticals to sewers has taken place. This has occurred despite the potential adverse effects of introducing waste pharmaceuticals into the environment, and the inability of wastewater treatment plants to treat some pharmaceuticals effectively. Recent studies have documented the presence of various pharmaceutical chemicals and metabolic by-products in surface waters and groundwater in the United States, and the issue of pharmaceutical use and management has become increasingly important. EPA is conducting research on the presence of pharmaceutical compounds in waterbodies and any ecological effects the compounds may be causing, as well as research directed towards improving water treatment capabilities. Information on EPA's research in pharmaceuticals and personal care products in the environment. For these and other reasons, pharmaceutical waste management has become an increasingly critical issue in environmental management for health care facilities.

Rhonda M. Kennedy  
Congressional Affairs Specialist

Office of Legislation  
Food and Drug Administration  
P: (301) 827-0285  
F: (301) 827-1614  
[Rhonda.Kennedy@fda.hhs.gov](mailto:Rhonda.Kennedy@fda.hhs.gov)

**To:** "Lisa P. Jackson" [Windsor.Richard@epamail.epa.gov]; Gina McCarthy" [McCarthy.Gina@epamail.epa.gov]  
**From:** CN=Bob Sussman/OU=DC/O=USEPA/C=US  
**Sent:** Thur 10/15/2009 5:31:32 PM  
**Subject:** Fw: fyi: in case you missed this

The pushback is starting. Frankly, I'm concerned that we don't have the industry backing we will need.

----- Original Message -----

From: David Cohen

Sent: 10/15/2009 01:17 PM EDT

To: David Gray; Seth Oster; Bob Sussman

Subject: fyi: in case you missed this

Texas Heavy Industries Worry About EPA Crackdown

Texas oil, chemical industries worry EPA crackdown on pollution permits could get costly

By JOHN McFARLAND

The Associated Press

DALLAS

For 15 years, environmentalists have complained that state regulations have allowed the powerful oil and chemical industries to skirt Clean Air Act standards in Texas, the nation's foremost producer of industrial air pollution.

But the Environmental Protection Agency last month scrapped several aspects of the state's air-pollution permitting program, including "flexible" permits that have allowed about 140 plants and refineries to exceed toxic emissions limits in the short term as long as they complied to overall federal averages in the long term.

Federal regulators say the move, set to take effect next year, is designed to cut toxic emissions and bring Texas in line with the Clean Air Act. And environmental groups say it will help improve the state's ecology and the health of Texans and those living nearby.

Industry groups, however, warn that getting rid of the state program in favor of more rigid standards will hurt industries crucial to the Texas economy, and that the costs of compliance may hit consumers.

"If there is a cost associated with it, it is very likely that it could cost the consumer more," said Debbie Hastings, vice president for environmental affairs for the Texas Oil And Gas Association, whose members provide about 25 percent of the nation's gasoline supply and include industry giants including Exxon Mobil Corp. and ConocoPhillips.

It's too early to know precisely how the rules will change or how much it will cost, but there's worry in the heavy industries that billow tons of toxins but employ thousands of people and pay billions in state and local taxes. Texas has more oil refineries and chemical plants than any other state, and the permit ruling comes as Gov. Rick Perry and industry officials are railing against a climate bill pending in Congress.

Plants could be forced to spend millions of dollars to upgrade pollution control equipment. Industry groups say that in turn could jack up the prices of gas, tires, carpet, upholstery and other products that pass through Texas factories.

"The prices have to keep up with the cost of doing business," said Mike Meroney, a spokesman for Texas Chemical Council, which represents about 80 companies with 200 sites that produce the state's leading export. "Every site's different — it could be very, very costly."

States are required to enforce the Clean Air Act, but they're given some flexibility in how to do it. The EPA approved Texas' major clean-air permitting plan in 1992, and the state has since submitted more than 30 regulatory changes.

The EPA issued its ruling last month as a result of a lawsuit settlement that forced the agency to approve or disapprove aspects of the Texas permitting process, agency spokesman Dave Bary said. The EPA said no other state offered polluters such flexibility, and cited problems with the permit program's enforcement, monitoring and record keeping, among other reasons.

The EPA held its first meeting last week with the Texas Commission on Environmental Quality, which

issues the permits, to work on getting the program into compliance. The commission's executive director, Mark Vickery, said the state permit rules have helped cut down on pollution and said the agency would work with the EPA to resolve the problems. The agencies are working through a 60-day comment period before the rules become final next year.

Fadel Gheit, an analyst with Oppenheimer & Co. in New York, said the permitting problem is just one more bit of bad news for industries that are already struggling. Several major oil companies are coming off second-quarter profit declines of more than 50 percent, although the oil industry posted record gains in 2008.

"It's bad, but how bad is the question?" Gheit said. "The outlook couldn't be more grim, and yet the government finds a way to kick them when they're down."

Bary, the EPA spokesman, said there's no way to know exactly how much cleaner the air would have been under federally approved permits.

But Neil Carman, an air specialist with the Lone Star Chapter of the Sierra Club who spent years as an industrial plant inspector with the Texas Commission on Environmental Quality, said he's certain ending the program will cut emissions. He said it will prove costly to the companies, but not as costly as treating long-term health problems caused by toxic emissions.

Al Armendariz, a chemical engineering professor at Southern Methodist University who is an expert on air pollution and an environmental advocate, said smaller and older facilities could face hefty costs, but major companies won't feel a thing.

"They'll say, 'Look, if we have to spend half a million dollars to re-permit, big deal.' They probably spend more than that on toiletries for those facilities," he said, noting that even multimillion-dollar expenses would be a "one-time capital blip" for major companies. Armendariz also said he doubts industry claims that consumers could feel any pain.

The oil and gas industry provides about 190,000 Texas jobs and paid about \$10 billion in state and local taxes and royalties last year, according to the oil and gas association, which represents almost every producer and refiner in the state. The chemical industry employs about 74,000 Texans and last year paid \$1 billion in state and local taxes. The chemical industry is the top air polluter in the state, producing about 16,000 tons of toxic emissions, according to the most recent EPA toxic release inventory in 2007. Oil ranked third, behind power plants, with about 4,500 tons.

Both groups and state regulators say flexible permits have helped, and point to reductions of cancer-causing chemical benzene and ground-level ozone levels in the Houston area that's home to the bulk of the state's oil refineries and chemical plants.

But Carman said it's silly to be content with the progress because Texas is still so polluted.

"That's like somebody going before a judge and saying, 'Your Honor, I know I've had a DWI problem, but I brought it down from 50 DWI's a year ago to 30 now,'" said Carman, who like other environmentalists has long derided the permitting process as a rubber stamp in an industry-friendly state. "That's just not enough, especially when you're talking about things that cause cancer."

Copyright 2009 The Associated Press. All rights reserved. This material may not be published, broadcast, rewritten, or redistributed.

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Gina McCarthy/OU=DC/O=USEPA/C=US@EPA[]; N=Gina McCarthy/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Bob Sussman/OU=DC/O=USEPA/C=US  
**Sent:** Thur 10/15/2009 5:38:48 PM  
**Subject:** Re: fyi: in case you missed this

We are trying to schedule a mtg but scheduling is challenging.

----- Original Message -----

From: Richard Windsor  
Sent: 10/15/2009 01:34 PM EDT  
To: Bob Sussman; Gina McCarthy  
Subject: Re: fyi: in case you missed this  
I don't agree. Let's meet.

----- Original Message -----

From: Bob Sussman  
Sent: 10/15/2009 01:31 PM EDT  
To: Richard Windsor; Gina McCarthy  
Subject: Fw: fyi: in case you missed this  
The pushback is starting. Frankly, I'm concerned that we don't have the industry backing we will need.

----- Original Message -----

From: David Cohen  
Sent: 10/15/2009 01:17 PM EDT  
To: David Gray; Seth Oster; Bob Sussman  
Subject: fyi: in case you missed this  
Texas Heavy Industries Worry About EPA Crackdown  
Texas oil, chemical industries worry EPA crackdown on pollution permits could get costly  
By JOHN McFARLAND  
The Associated Press  
DALLAS  
For 15 years, environmentalists have complained that state regulations have allowed the powerful oil and chemical industries to skirt Clean Air Act standards in Texas, the nation's foremost producer of industrial air pollution.  
But the Environmental Protection Agency last month scrapped several aspects of the state's air-pollution permitting program, including "flexible" permits that have allowed about 140 plants and refineries to exceed toxic emissions limits in the short term as long as they complied to overall federal averages in the long term.  
Federal regulators say the move, set to take effect next year, is designed to cut toxic emissions and bring Texas in line with the Clean Air Act. And environmental groups say it will help improve the state's ecology and the health of Texans and those living nearby.  
Industry groups, however, warn that getting rid of the state program in favor of more rigid standards will hurt industries crucial to the Texas economy, and that the costs of compliance may hit consumers.  
"If there is a cost associated with it, it is very likely that it could cost the consumer more," said Debbie Hastings, vice president for environmental affairs for the Texas Oil And Gas Association, whose members provide about 25 percent of the nation's gasoline supply and include industry giants including Exxon Mobil Corp. and ConocoPhillips.  
It's too early to know precisely how the rules will change or how much it will cost, but there's worry in the



heavy industries that billow tons of toxins but employ thousands of people and pay billions in state and local taxes. Texas has more oil refineries and chemical plants than any other state, and the permit ruling comes as Gov. Rick Perry and industry officials are railing against a climate bill pending in Congress.

Plants could be forced to spend millions of dollars to upgrade pollution control equipment. Industry groups say that in turn could jack up the prices of gas, tires, carpet, upholstery and other products that pass through Texas factories.

"The prices have to keep up with the cost of doing business," said Mike Meroney, a spokesman for Texas Chemical Council, which represents about 80 companies with 200 sites that produce the state's leading export. "Every site's different — it could be very, very costly."

States are required to enforce the Clean Air Act, but they're given some flexibility in how to do it. The EPA approved Texas' major clean-air permitting plan in 1992, and the state has since submitted more than 30 regulatory changes.

The EPA issued its ruling last month as a result of a lawsuit settlement that forced the agency to approve or disapprove aspects of the Texas permitting process, agency spokesman Dave Bary said. The EPA said no other state offered polluters such flexibility, and cited problems with the permit program's enforcement, monitoring and record keeping, among other reasons.

The EPA held its first meeting last week with the Texas Commission on Environmental Quality, which issues the permits, to work on getting the program into compliance. The commission's executive director, Mark Vickery, said the state permit rules have helped cut down on pollution and said the agency would work with the EPA to resolve the problems. The agencies are working through a 60-day comment period before the rules become final next year.

Fadel Gheit, an analyst with Oppenheimer & Co. in New York, said the permitting problem is just one more bit of bad news for industries that are already struggling. Several major oil companies are coming off second-quarter profit declines of more than 50 percent, although the oil industry posted record gains in 2008.

"It's bad, but how bad is the question?" Gheit said. "The outlook couldn't be more grim, and yet the government finds a way to kick them when they're down."

Bary, the EPA spokesman, said there's no way to know exactly how much cleaner the air would have been under federally approved permits.

But Neil Carman, an air specialist with the Lone Star Chapter of the Sierra Club who spent years as an industrial plant inspector with the Texas Commission on Environmental Quality, said he's certain ending the program will cut emissions. He said it will prove costly to the companies, but not as costly as treating long-term health problems caused by toxic emissions.

Al Armendariz, a chemical engineering professor at Southern Methodist University who is an expert on air pollution and an environmental advocate, said smaller and older facilities could face hefty costs, but major companies won't feel a thing.

"They'll say, 'Look, if we have to spend half a million dollars to re-permit, big deal.' They probably spend more than that on toiletries for those facilities," he said, noting that even multimillion-dollar expenses would be a "one-time capital blip" for major companies. Armendariz also said he doubts industry claims that consumers could feel any pain.

The oil and gas industry provides about 190,000 Texas jobs and paid about \$10 billion in state and local taxes and royalties last year, according to the oil and gas association, which represents almost every producer and refiner in the state. The chemical industry employs about 74,000 Texans and last year paid \$1 billion in state and local taxes. The chemical industry is the top air polluter in the state, producing about 16,000 tons of toxic emissions, according to the most recent EPA toxic release inventory in 2007. Oil ranked third, behind power plants, with about 4,500 tons.

Both groups and state regulators say flexible permits have helped, and point to reductions of cancer-causing chemical benzene and ground-level ozone levels in the Houston area that's home to the bulk of the state's oil refineries and chemical plants.

But Carman said it's silly to be content with the progress because Texas is still so polluted.

"That's like somebody going before a judge and saying, 'Your Honor, I know I've had a DWI problem, but I brought it down from 50 DWI's a year ago to 30 now,'" said Carman, who like other environmentalists has long derided the permitting process as a rubber stamp in an industry-friendly state. "That's just not enough, especially when you're talking about things that cause cancer."

Copyright 2009 The Associated Press. All rights reserved. This material may not be published, broadcast, rewritten, or redistributed.

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA[]; N=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA[]; N=Seth Oster/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Arvin Ganesan/OU=DC/O=USEPA/C=US  
**Sent:** Fri 10/16/2009 2:28:32 PM  
**Subject:** Re: Gazette Story  
[hobet\\_mtr\\_400\\_vivian\\_stockman.jpg](#)  
[today's Gazette](#)  
[I've written before](#)  
[\(embedded image\)](#)

## Deliberative

ARVIN R. GANESAN  
Deputy Associate Administrator  
Congressional Affairs  
Office of the Administrator  
United States Environmental Protection Agency  
Ganesan.Arvin@epa.gov  
(p) 202.564.5200  
(f) 202.501.1519

**From:** Richard Windsor/DC/USEPA/US  
**To:** Bob Sussman/DC/USEPA/US@EPA  
**Cc:** Arvin Ganesan/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA  
**Date:** 10/16/2009 10:25 AM  
**Subject:** Re: Gazette Story

## Deliberative

----- Original Message -----

**From:** Bob Sussman  
**Sent:** 10/16/2009 09:53 AM EDT  
**To:** Richard Windsor  
**Cc:** Arvin Ganesan; Diane Thompson; Seth Oster  
**Subject:** Fw: Gazette Story

# Deliberative

Robert M. Sussman  
Senior Policy Counsel to the Administrator

Office of the Administrator  
US Environmental Protection Agency  
----- Forwarded by Bob Sussman/DC/USEPA/US on 10/16/2009 09:48 AM -----

From: Gregory Peck/DC/USEPA/US  
To: Bob Sussman/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA  
Date: 10/16/2009 09:46 AM  
Subject: Gazette Story

EPA makes deal to protect UMW jobs at Hobet  
by Ken Ward Jr.

If you missed it in today's Gazette, the U.S. Environmental Protection Agency has reached a tentative agreement with Patriot Coal's Hobet Mining subsidiary that could protect hundreds of United Mine Worker of America jobs at the sprawling Hobet 21 mountaintop removal complex along the Boone-Lincoln county line in Southern West Virginia.

Randy Huffman, secretary of the state Department of Environmental Protection, told me he learned of this "agreement in principle" during a meeting Thursday in Charleston with EPA officials from the federal agency's regional office in Philadelphia.

As my story mentioned, details are sketchy, but Huffman said the agreement appears to cut the amount of stream being impacted by mining in half.

Huffman described his meeting with EPA as "good and informative" and said:

I think EPA is starting to get a better handle on what they want. It's not a wholesale attempt to shut down coal mining.

I've written before about the situation at Hobet 21, where Patriot Coal has been seeking approval of a permit for its "Hobet 45" extension of one of the largest mountaintop removal complexes in Central Appalachia.

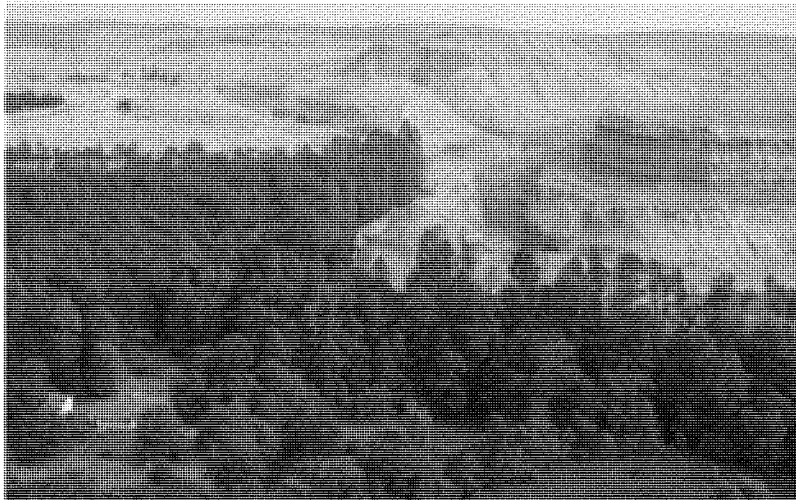
The EPA-Patriot deal was revealed at the same time that EPA Administrator Lisa P. Jackson was defending her agency's actions on mountaintop removal to West Virginia members of Congress during a hearing in Washington. Among other things, Jackson said EPA is determined to ensure that mine operators do everything possible to minimize the impacts of large-scale surface coal mining in Appalachia:

What we're seeing with the science here is that as these watersheds have more and more valley fills in them, frankly, we see water quality impacts. We believe that over time that is going to be a larger problem, not a smaller problem. What really has to happen is rolling up the sleeves to minimize in these instances.

---

Gregory E. Peck  
Chief of Staff  
Office of Water  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460

202-564-5778



**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA[]; N=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA[]; N=Seth Oster/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA[]; N=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA[]; N=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA[]; N=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA[]; N=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA[]; N=Robert Goulding/OU=DC/O=USEPA/C=US@EPA[]

**Cc:** []

**From:** CN=David McIntosh/OU=DC/O=USEPA/C=US

**Sent:** Fri 10/16/2009 3:45:44 PM

**Subject:** news from WH energy reform campaign call

Heather Zichal said on the call that something significant will likely happen on the Administration clean-energy-reform front in the last week of October. Cabinet heads will be asked to travel to certain states to do events that week to help amplify. Heather said that she would know more about it late today or early tomorrow.

Separately, Jon Carson described this coming Monday as a coordinated launch of three related things:

- (1) As part of the Greening the Federal Government executive order, something will go up on the WH website inviting any or all federal government employees to comment on what the employees believe that their agencies should do in order to meet the agencies' specified GHG emissions reduction targets.
- (2) The DOE-EPA Energy Star thing.
- (3) \$400 million in DOE money going out the door for competitive grants for low-income weatherization.

**To:** CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA[]; N=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA[]; N=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA[]; N=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA[]; N=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA[]; N=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA[]; N=Seth Oster/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US  
**Sent:** Fri 10/16/2009 3:47:20 PM  
**Subject:** Re: news from WH energy reform campaign call

Ummm... Point Number 1? Really?

MABL.

-----

M. Allyn Brooks-LaSure | Deputy Associate Administrator for Public Affairs

U.S. Environmental Protection Agency | Office of the Administrator

Phone: 202-564-8368 | Email: [brooks-lasure.allyn@epa.gov](mailto:brooks-lasure.allyn@epa.gov)

**From:** David McIntosh/DC/USEPA/US  
**To:** Richard Windsor/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Allyn Brooks-LaSure/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Robert Goulding/DC/USEPA/US@EPA  
**Date:** 10/16/2009 11:45 AM  
**Subject:** news from WH energy reform campaign call

Heather Zichal said on the call that something significant will likely happen on the Administration clean-energy-reform front in the last week of October. Cabinet heads will be asked to travel to certain states to do events that week to help amplify. Heather said that she would know more about it late today or early tomorrow.

Separately, Jon Carson described this coming Monday as a coordinated launch of three related things: (1) As part of the Greening the Federal Government executive order, something will go up on the WH

website inviting any or all federal government employees to comment on what the employees believe that their agencies should do in order to meet the agencies' specified GHG emissions reduction targets.

(2) The DOE-EPA Energy Star thing.

(3) \$400 million in DOE money going out the door for competitive grants for low-income weatherization.



**To:** CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA[]; N=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA[]; N=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA[]; N=Seth Oster/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA[]; N=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA[]; N=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA[]; N=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA[]; N=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Robert Goulding/OU=DC/O=USEPA/C=US  
**Sent:** Fri 10/16/2009 3:58:18 PM  
**Subject:** Re: news from WH energy reform campaign call

Let's keep in mind that there are fairly significant events on LPJs calendar from 10/27-10/31 (hearing, hosting congressional bfast, hosting outreach event in-house, and the retreat). When we get opportunities to weigh in, that Monday is by far the best opportunity for her to be out of the office. There may be time for short trips later in the week if we do, in fact, have flexibility on this. This is all FYI. Thanks.

----- Original Message -----

From: David McIntosh

Sent: 10/16/2009 11:45 AM EDT

To: Richard Windsor; Diane Thompson; Seth Oster; Allyn Brooks-LaSure; Arvin Ganesan; Bob Sussman; Bob Perciasepe; Robert Goulding

Subject: news from WH energy reform campaign call

Heather Zichal said on the call that something significant will likely happen on the Administration clean-energy-reform front in the last week of October. Cabinet heads will be asked to travel to certain states to do events that week to help amplify. Heather said that she would know more about it late today or early

tomorrow.

Separately, Jon Carson described this coming Monday as a coordinated launch of three related things:

- (1) As part of the Greening the Federal Government executive order, something will go up on the WH website inviting any or all federal government employees to comment on what the employees believe that their agencies should do in order to meet the agencies' specified GHG emissions reduction targets.
- (2) The DOE-EPA Energy Star thing.
- (3) \$400 million in DOE money going out the door for competitive grants for low-income weatherization.

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA[]; N=Bob Sussman/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Arvin Ganesan/OU=DC/O=USEPA/C=US  
**Sent:** Fri 10/16/2009 9:19:40 PM  
**Subject:** Fw: Press Statements on Spruce

FYI.

-----  
ARVIN R. GANESAN  
Deputy Associate Administrator  
Congressional Affairs  
Office of the Administrator  
United States Environmental Protection Agency  
Ganesan.Arvin@epa.gov  
(p) 202.564.5200  
(f) 202.501.1519  
----- Forwarded by Arvin Ganesan/DC/USEPA/US on 10/16/2009 05:19 PM -----

From: Gregory Peck/DC/USEPA/US  
To: Peter Silva/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA  
Cc: Suzanne Schwartz/DC/USEPA/US@EPA, Kevin Minoli, Brendan Gilfillan/DC/USEPA/US@EPA, Adora Andy/DC/USEPA/US@EPA, [Personal Privacy]  
Date: 10/16/2009 05:18 PM  
Subject: Press Statements on Spruce

Here's a statement just in from Sen. Jay Rockefeller:

Senator Jay Rockefeller again expressed anger as the EPA took further steps today to revoke the permit for Spruce Number 1 Mine in Logan County.

"I am angry with the EPA's announcement that they will use veto power to revoke the authorized Spruce Mine permit in Logan," said Senator Rockefeller. "It is wrong and unfair for the EPA to change the rules for a permit that is already active.

"When businesses make good faith efforts and fully comply with all applicable laws and regulations, they must have the confidence that the commitments made by the government will be honored. I am very frustrated with this development and will continue to be in contact with EPA officials – making sure that the EPA recognizes the importance of this issue in West Virginia."

And here's what the Sierra Club had to say:

"We are encouraged by EPA's continued scrutiny of this permit for the largest authorized mountaintop removal operation in Appalachia. We applaud the agency for its reliance on the most recent scientific studies on water quality impacts from mountaintop removal mining, as well as its attention to the overall impacts of this and other existing and proposed mines in the immediate area.

"Local residents have been actively challenging the approval of this permit at the Spruce No. 1 Mine in Logan County for more than a decade. This massive mine would have buried seven miles of streams, destroyed thousands of acres of land and disrupted local communities.

“According to the EPA, today’s announcement marks the first time since the Clean Water Act passed 37 years ago this Sunday that the agency has used its authority to review a previously permitted project. We applaud today’s action by EPA, which underscores the need for the Obama administration to develop new regulations to end mountaintop removal mining once and for all.”

---

Gregory E. Peck  
Chief of Staff  
Office of Water  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460

202-564-5778

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Bob Sussman/OU=DC/O=USEPA/C=US  
**Sent:** Fri 10/16/2009 10:34:28 PM  
**Subject:** Update on Hobet 45

Lisa -- Here's a short update on Hobet 45.

The region has had several discussions with the mining company and they have reached a tentative understanding on a set of permit conditions that would reduce the impact of the project. The Corps has not yet been involved in these discussions. The Monday meeting will bring the Corps to the table and start the process of developing permit language that would implement the agreed-upon conditions. We know from Peg Fork that the drafting process can take some time and is not always smooth. We're probably 3 weeks or so away from having acceptable permit language and this process could go awry, resulting in a longer delay.

This is an underground mine so there are no valley fills. However, the company will "mine through" streams so there is definitely the potential to impair water quality. At the urging of the Region, the company is reducing the impacted stream length from 30,000 to 14,000 linear feet. This will avoid any disturbance of a high-value stream that originally would be affected. The company is also agreeing to mining procedures that, in the judgment of the Region, should avoid adverse impacts on the remaining stream that will experience mining activity, along with significant mitigation for previously impaired streams elsewhere in the watershed. The permit will include strong monitoring and adaptive management commitments as well as an agreement to conduct watershed-wide restoration in the event of excursions above water quality standards (which the Region doesn't expect).

I've instructed the Region to make clear on Monday that senior management has not yet agreed to the package under discussion.

# Deliberative

Naturally, in the wake of the Ken Ward article, Rahall is very interested in the progress of this permit and Arvin gave his office an update this afternoon.

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

**To:** "Richard Windsor" [Windsor.Richard@epamail.epa.gov]  
**From:** CN=Diane Thompson/OU=DC/O=USEPA/C=US  
**Sent:** Fri 10/16/2009 11:21:23 PM  
**Subject:** Fw: EMBARGOED: Weekly Address: President Obama Calls Hails Progress on Health Insurance Reform Despite Defenders of the Status Quo  
[www.whitehouse.gov](http://www.whitehouse.gov)

Fyi

From: "Milakofsky, Benjamin E." [Personal Privacy]  
Sent: 10/16/2009 06:45 PM AST  
To: "Lu, Christopher P." [Personal Privacy] Smith, Elizabeth S."  
[Personal Privacy] "French, Michael J." [Personal Privacy] "Kimball,  
Astri B." [Personal Privacy] "Greenawalt, Andrei M."  
[Personal Privacy] "Taylor, Adam R." [Personal Privacy]  
"Milakofsky, Benjamin E." [Personal Privacy]  
Subject: EMBARGOED: Weekly Address: President Obama Calls Hails Progress on Health Insurance Reform Despite Defenders of the Status Quo

Dear Chiefs of Staff:

Please see the below text of the President's weekly address on health insurance reform.

--Cabinet Affairs

THE WHITE HOUSE

Office of the Press Secretary

---

EMBARGOED UNTIL 6:00 AM ET, SATURDAY, October 17, 2009

WEEKLY ADDRESS: President Obama Calls Hails Progress on Health Insurance Reform Despite Defenders of the Status Quo

WASHINGTON – In his weekly address, President Barack Obama praised the progress that has been made

on health insurance reform, and spoke out against those who defend the status quo in order to score political points and protect their profits. With reform the closest it has ever been to becoming law, the insurance companies are rolling out deceptive ads, paying for misleading studies, and flooding Capitol Hill with lobbyists. Now, Washington needs to serve the American people, not the special interests.

The audio and video will be available at 6:00am Saturday, October 17, 2009 at [www.whitehouse.gov](http://www.whitehouse.gov).

Remarks of President Barack Obama

As Prepared for Delivery

Weekly Address

October 17, 2009

Over the better part of the past year, a great debate has taken place in Washington and across America, about how to reform our health care system to provide security for people with insurance, coverage for those without insurance, and lower costs for everyone. From the halls of Congress to the homes of ordinary Americans, this debate has helped us to forge consensus and find common ground. That's a good thing. That's what America is all about.

Now, as the debate draws to a close, we can point to a broad and growing coalition of doctors and nurses, workers and businesses, hospitals and even drug companies – folks who represent different parties and perspectives, including leading Democrats and many leading Republicans – who recognize the urgency of action. Just this week, the Senate Finance Committee approved a reform proposal that has both Democratic and Republican support. For the first time ever, all five committees in Congress responsible for health reform have passed a version of legislation. As I speak to you today, we are closer to reforming the health care system than we have ever been in history.

But this is not the time to pat ourselves on the back. This is not the time to grow complacent. There are still significant details and disagreements to be worked out in the coming weeks. And there are still those who would try to kill reform at any cost. The history is clear: for decades rising health care costs have unleashed havoc on families, businesses, and the economy. And for decades, whenever we have tried to reform the system, the insurance companies have done everything in their considerable power to stop us.

We know that this inaction has carried a terrible toll. In the past decade, premiums have doubled. Over the past few years, total out of pocket costs for people with insurance rose by a third. And we know that if we do not reform the system, this will only be a preview of coming attractions. A new report for the Business Roundtable – a non-partisan group that represents the CEOs of major companies – found that without significant reform, health care costs for these employers and their employees will well more than double again over the next decade. The cost per person for health insurance will rise by almost \$18,000. That's a huge amount of money. That's going to

mean lower salaries and higher unemployment, lower profits and higher rolls of uninsured. It is no exaggeration to say, that unless we act, these costs will devastate the US economy.

This is the unsustainable path we're on, and it's the path the insurers want to keep us on. In fact, the insurance industry is rolling out the big guns and breaking open their massive war chest – to marshal their forces for one last fight to save the status quo. They're filling the airwaves with deceptive and dishonest ads. They're flooding Capitol Hill with lobbyists and campaign contributions. And they're funding studies designed to mislead the American people.

Of course, like clockwork, we've seen folks on cable television who know better, waving these industry-funded studies in the air. We've seen industry insiders – and their apologists – citing these studies as proof of claims that just aren't true. They'll claim that premiums will go up under reform; but they know that the non-partisan Congressional Budget Office found that reforms will lower premiums in a new insurance exchange while offering consumer protections that will limit out-of-pocket costs and prevent discrimination based on pre-existing conditions. They'll claim that you'll have to pay more out of pocket; but they know that this is based on a study that willfully ignores whole sections of the bill, including tax credits and cost savings that will greatly benefit middle class families. Even the authors of one of these studies have now admitted publicly that the insurance companies actually asked them to do an incomplete job.

It's smoke and mirrors. It's bogus. And it's all too familiar. Every time we get close to passing reform, the insurance companies produce these phony studies as a prescription and say, "Take one of these, and call us in a decade." Well, not this time. The fact is, the insurance industry is making this last-ditch effort to stop reform even as costs continue to rise and our health care dollars continue to be poured into their profits, bonuses, and administrative costs that do nothing to make us healthy – that often actually go toward figuring out how to avoid covering people. And they're earning these profits and bonuses while enjoying a privileged exception from our anti-trust laws, a matter that Congress is rightfully reviewing.

Now, I welcome a good debate. I welcome the chance to defend our proposals and to test our ideas in the fires of this democracy. But what I will not abide are those who would bend the truth – or break it – to score political points and stop our progress as a country. And what we all must oppose are the same old cynical Washington games that have been played for decades even as our problems have grown and our challenges have mounted.

Last November, the American people went to the polls in historic numbers and demanded change. They wanted a change in our policies; but they also sought a change in our politics: a politics that too often has fallen prey to the lobbyists and the special interests; that has fostered division and sustained the status quo. Passing health insurance reform is a great test of this proposition. Yes, it will make a profound and positive difference in the lives of the American people. But it also now represents something more: whether or not we as a nation are capable of tackling our toughest challenges, if we can serve the national interest despite the unrelenting efforts of the special interests; if we can still do big things in America.

I believe we can. I believe we will. And I urge every member of Congress to stand against the power plays and



political ploys – and to stand up on behalf the American people who sent us to Washington to do their business.

Thank you.

**To:** "Richard Windsor" [Windsor.Richard@epamail.epa.gov]  
**From:** CN=Diane Thompson/OU=DC/O=USEPA/C=US  
**Sent:** Sat 10/17/2009 2:01:24 AM  
**Subject:** Fw: Gulf Coast Rebuilding Weekly Update  
[mime.htm](#)

FYI

From: "Lundqvist, Hanna" [Hanna.Lundqvist@dhs.gov]  
Sent: 10/16/2009 03:51 PM AST  
To: "Leshner, Jan" <Jan.Leshner@dhs.gov>; "Wareing, Tracy" <Tracy.Wareing@dhs.gov>; "Kayyem, Juliette" <Juliette.Kayyem@dhs.gov>; "Tennyson, Stephanie L" <Stephanie.Tennyson@dhs.gov>; "Smith, Sean" <Sean.Smith@dhs.gov>; "Kuban, Sara A" <Sara.Kuban@dhs.gov>; "McNamara, Jason" <Jason.Mcnamara@dhs.gov>; "Fugate, Craig" <Craig.Fugate@dhs.gov>;  
[Personal Privacy]  
[Personal Privacy] "Stevens, Clark" <Clark.Stevens@dhs.gov>; "Colburn, Brent" <Brent.Colburn@dhs.gov>; "Hart, Patrick" <Patrick.Hart@dhs.gov>; "Garratt, David" <david.garratt@dhs.gov>; "Wiggins, Chani Winn" <Chani.Wiggins@dhs.gov>; "Peacock, Nelson" <Nelson.Peacock@dhs.gov>; "Pressman, David" <David.Pressman@dhs.gov>; <joan.deboer@dot.gov>; <dave.gresham@hud.gov>;  
[Personal Privacy] <frederick.tombarii@hud.gov>; <brian.gill@hud.gov>; "McDonald, Blair" <Blair.Mcdonald@dhs.gov>; <laura.petrrou@hhs.gov>; <rima.cohen@hhs.gov>; "Contreras, January" <January.Contreras@dhs.gov>; "Gordon, Andrew S" <Andrew.Gordon@dhs.gov>; [Personal Privacy]  
[Personal Privacy]  
[Personal Privacy]  
[Personal Privacy] <donny.williams@hud.gov>; <laurel.a.blatchford@hud.gov>; [Personal Privacy]  
[Personal Privacy]  
[Personal Privacy] <Jennifer.a.greer@usace.army.mil>; <Andrew.hagelin@hqda.army.mil>; <steven.l.stockton@usace.army.mil>; <Zoltan.l.montvai@usace.army.mil>; "Grimm, Michael" <michael.grimm@dhs.gov>; <Deborah.ingram@dhs.gov>; <cantor.eric@dol.gov>; <gambrell@cdfi.treas.gov>; Allyn Brooks-LaSure; <mark.newberg@sba.gov>; <steven.smith@sba.gov>; <Donald.orndoff@va.gov>;  
[Personal Privacy] <John.cross@do.treas.gov>; <Danielle.l.schopp@hud.gov>; [Personal Privacy] <theodore.a.brown@usace.army.mil>; <todd.m.richardson@hud.gov>; <dominique.blom@hud.gov>; <jeffrey.riddel@hud.gov>; <david.vargas@hud.gov>; <mark.miszack@fema.gov>; "Fox, Katherine B" <Katherine.B.Fox@dhs.gov>;  
[Personal Privacy] "Monchek, Rafaela" <rafaela.monchek@dhs.gov>; <carl.highsmith@dot.gov>; <david.matsuda@dot.gov>; "Duggan, Alaina" <Alaina.Duggan@dhs.gov>; "Campbell, Matt" <matt.campbell@dhs.gov>; [Personal Privacy] Jim Hanlon; Diane Thompson; <donna.white@hud.gov>; <Inembhard@cns.gov>; <baker.angela@dol.gov>;  
[Personal Privacy] "McClure, Laura" <Laura.Mcclure@dhs.gov>; <rstinson@eda.doc.gov>; <pdavidson@eda.doc.gov>; <cosborne@eda.doc.gov>; <ginger.lew@sba.gov>; <james.rivera@sba.gov>; <eric.zarnikow@sba.gov>; <chris.chan@sba.gov>; <ana.ma@sba.gov>; <Matthew.Yale@ed.gov>; <johnr.gingrich@va.gov>; <mark.a.linton@hud.gov>; <alexia.kelley@hhs.gov>; <cgrant2@doc.gov>; "Myers, David" <David.Myers1@dhs.gov>; "Schwartz, Alison" <Alison.Schwartz@dhs.gov>; "Goucher, Rob" <rob.goucher@dhs.gov>; <Honker.Bill@epamail.epa.gov>; <mboots@ceq.eop.gov>; [Personal Privacy] <fbci@usda.gov>; <edpartners@ed.gov>;

<jerry.flavin@sba.gov>; <fbci@usaid.gob>; <vafbnp@va.gov>; <jkelly@cns.gov>; <banks@cdfi.treas.gov>;  
<kerney-willist@cdfi.treas.gov>; <martineza@cdfi.treas.gov>  
Cc: "Lockett, Terrence" <Terrence.Lockett@dhs.gov>; "Gehring, Wendy" <Wendy.Gehring@dhs.gov>;  
"McConnell, Scott" <Scott.Mcconnell@dhs.gov>; "Fraser, Timothy" <Timothy.Fraser@dhs.gov>; "Stewart, Jessica"  
<Jessica.Stewart@dhs.gov>; "Watson, Shannon" <Shannon.Watson@dhs.gov>; "Horton, Eric"  
<Eric.Horton@dhs.gov>; "Woodka, Janet" <Janet.Woodka@dhs.gov>; "Banta, Drue" <Drue.Banta@dhs.gov>;  
"Simms, Nathan" <Nathan.Simms@dhs.gov>; "Whelan, Moira" <Moira.Whelan@dhs.gov>  
Subject: Gulf Coast Rebuilding Weekly Update

FYI

**From:** "Lundqvist, Hanna" [Hanna.Lundqvist@dhs.gov]

**Sent:** 10/16/2009 03:51 PM AST

**To:** "Leshner, Jan" <Jan.Leshner@dhs.gov>; "Wareing, Tracy" <Tracy.Wareing@dhs.gov>; "Kayyem, Juliette" <Juliette.Kayyem@dhs.gov>; "Tennyson, Stephanie L" <Stephanie.Tennyson@dhs.gov>; "Smith, Sean" <Sean.Smith@dhs.gov>; "Kuban, Sara A" <Sara.Kuban@dhs.gov>; "McNamara, Jason" <Jason.Mcnamara@dhs.gov>; "Fugate, Craig" <Craig.Fugate@dhs.gov>; [REDACTED] **Personal Privacy**

**Personal Privacy**

"Stevens, Clark" <Clark.Stevens@dhs.gov>; "Colburn, Brent" <Brent.Colburn@dhs.gov>; "Hart, Patrick" <Patrick.Hart@dhs.gov>; "Garratt, David" <david.garratt@dhs.gov>; "Wiggins, Chani Winn" <Chani.Wiggins@dhs.gov>; "Peacock, Nelson" <Nelson.Peacock@dhs.gov>; "Pressman, David" <David.Pressman@dhs.gov>; <joan.deboer@dot.gov>; <dave.gresham@hud.gov>;

**Personal Privacy**

<frederick.tombariii@hud.gov>; <brian.gill@hud.gov>; "McDonald, Blair" <Blair.Mcdonald@dhs.gov>; <laura.petrou@hhs.gov>; <rima.cohen@hhs.gov>; "Contreras, January" <January.Contreras@dhs.gov>; "Gordon, Andrew S" <Andrew.Gordon@dhs.gov>; [REDACTED] **Personal Privacy**

**Personal Privacy**

**Personal Privacy**

<donny.williams@hud.gov>; <laurel.a.blatchford@hud.gov>;

**Personal Privacy**

**Personal Privacy**

<Jennifer.a.greer@usace.army.mil>; <Andrew.hagelin@hqda.army.mil>; <steven.l.stockton@usace.army.mil>; <Zoltan.l.montvai@usace.army.mil>; "Grimm, Michael" <michael.grimm@dhs.gov>; <Deborah.ingram@dhs.gov>; <cantor.eric@dol.gov>; <gambrell@cdfi.treas.gov>; Allyn Brooks-LaSure; <mark.newberg@sba.gov>; <steven.smith@sba.gov>; <Donald.ordoff@va.gov>; [REDACTED] **Personal Privacy**

<John.cross@do.treas.gov>; <Danielle.l.schopp@hud.gov>; [REDACTED] **Personal Privacy** <theodore.a.brown@usace.army.mil>; <todd.m.richardson@hud.gov>; <dominique.blom@hud.gov>; <jeffrey.riddel@hud.gov>; <david.vargas@hud.gov>; <mark.misczack@fema.gov>; "Fox, Katherine B" <Katherine.B.Fox@dhs.gov>; [REDACTED] **Personal Privacy** "Monchek, Rafaela"

<rafaela.monchek@dhs.gov>; <carl.highsmith@dot.gov>; <david.matsuda@dot.gov>; "Duggan, Alaina" <Alaina.Duggan@dhs.gov>; "Campbell, Matt" <matt.campbell@dhs.gov>; [REDACTED] **Personal Privacy**

**Personal Privacy**

Jim Hanlon; Diane Thompson; <donna.white@hud.gov>; <lnembhard@cns.gov>; <baker.angela@dol.gov>; [REDACTED] **Personal Privacy** "McClure, Laura"

<Laura.Mcclure@dhs.gov>; <rstinson@eda.doc.gov>; <pdavidson@eda.doc.gov>; <cosborne@eda.doc.gov>; <ginger.lew@sba.gov>; <james.rivera@sba.gov>; <eric.zarnikow@sba.gov>; <chris.chan@sba.gov>; <ana.ma@sba.gov>; <Matthew.Yale@ed.gov>; <johnr.gingrich@va.gov>; <mark.a.linton@hud.gov>;

<alexia.kelley@hhs.gov>; <cgrant2@doc.gov>; "Myers, David" <David.Myers1@dhs.gov>; "Schwartz, Alison" <Alison.Schwartz@dhs.gov>; "Goucher, Rob" <rob.goucher@dhs.gov>; <Honker.Bill@epamail.epa.gov>;

**Personal Privacy**

<fbci@usda.gov>; <edpartners@ed.gov>; <jerry.flavin@sba.gov>; <fbci@usaid.gob>; <vafbnp@va.gov>; <jkelly@cns.gov>; <banks@cdfi.treas.gov>; <kerney-willist@cdfi.treas.gov>; <martineza@cdfi.treas.gov>

**Cc:** "Lockett, Terrence" <Terrence.Lockett@dhs.gov>; "Gehring, Wendy" <Wendy.Gehring@dhs.gov>; "McConnell, Scott" <Scott.Mcconnell@dhs.gov>; "Fraser, Timothy" <Timothy.Fraser@dhs.gov>; "Stewart, Jessica" <Jessica.Stewart@dhs.gov>; "Watson, Shannon" <Shannon.Watson@dhs.gov>; "Horton, Eric" <Eric.Horton@dhs.gov>; "Woodka, Janet" <Janet.Woodka@dhs.gov>; "Banta, Drue" <Drue.Banta@dhs.gov>; "Simms, Nathan" <Nathan.Simms@dhs.gov>; "Whelan, Moira" <Moira.Whehan@dhs.gov>

**Subject:** Gulf Coast Rebuilding Weekly Update

**To:** Richard Windsor/DC/USEPA/US@EPA[]  
**From:** "Seth Oster"  
**Sent:** Sat 10/17/2009 2:38:25 AM  
**Subject:** Update on 40th Anniversary Planning

Hi. You asked about the 40th anniversary last night. Sorry for the delay in responding. I wanted to provide an expansive update and didn't have a chance to finish this quick write-up until now. In short, we're making a lot of progress. An overview of where we are:

By Monday, we will have an RFP finalized and by end of next week expect to reach out to outside agencies. We met with Ray today to ask him to help us figure a way to expedite the process of getting an agency on board, while staying within the rules for such processes.

This week, during the day-and-a-half meeting with the PADs and the program communications directors, we outlined the general thinking on the 40th (summarized next). Most importantly, we instructed that this will be run out of headquarters, not in a decentralized manner with each region doing their own separate and unrelated celebrations. I assured them, however, that our plan, whatever form it takes, will have a significant regional and programmatic component to it, and that we expect that each region will do at least one, if not more than one, significant event within the larger program.

We've set up within OPA, as part of the reorganization, a "special projects & initiatives" group (previously called Product Review) that will have day-to-day responsibility for execution of a plan under my direction, so that I am playing, along with Allyn, a direct and integral role, but are not bogged down to the point that I or we are unable to focus on other priority matters over an extended period.

We are setting up a Steering Committee that will include regional and program representation, led by OPA, so that we have buy-in and involvement, for political purposes, from a cross-functional group.

In terms of themes and general framework, my thinking is taking shape as follows (we should sit down and talk it through when you get back from Indonesia):

This should be a rolling celebration, not a one-day event, and while we should start as soon as possible, it's likely that our launch may have to wait until Earth Day (which may be strategically advantageous anyway). Organizational milestones like this are challenging and typically do not generate a lot of attention in the way that a milestone anniversary for an Earth Day or the Clean Air Act can. Therefore, we should create an extended, multi-month program that allows us to position the 40th into everything we do, that potentially kicks off with a bang but then centers it around smaller-to-mid-sized events that

crescendo into a December event on the actual anniversary date.

## **Deliberative**

Tie-in with natural constituencies and partners and new ones that have never before had a relationship with EPA – from environmental groups to Hollywood, Silicon Valley to national parks, minority groups to colleges to the PTA and Boys and Girls Club, etc.

Develop one major external announcement to kick-off, followed by a rolling series of events that culminate in a December 2010 event. For instance, in reaching both the next generation of American and their parents, should EPA sponsor “Sesame Street” or the “Electric Company” for one year, so the show opens with “Brought to you by the EPA – celebrating 40 years of work to protect the health of Americans and our environment”? Should we work now to commit the President to host a December event at the White House on the day of the actual anniversary? Should we tie-in with a movie studio during the Oscars at one of the major parties? Should we get the AFI Theater to host a series of environmental-related films, centered on our 40th, and a series of panel discussions? Can we launch an effort in New Orleans or in a rural community and tie it to the 40th?

Produce a short video (4-6 minutes) that highlights the EPA – it’s history and successes, but more so it’s place in today’s environmental movement and on the American scene. This video could be used on our site, posted on YouTube, played before speeches or other EPA events, etc. It would be intended to set a tone and position the agency in a cool, visual way. I have someone in mind to produce this.

There is much more....but there is an update. Ready to talk more when you are.

Travel safely.

Seth

**To:** "Lisa P. Jackson" [Windsor.Richard@epamail.epa.gov]; Lisa Heinzerling [Heinzerling.Lisa@epamail.epa.gov]; Steve Owens" [Owens.Steve@epamail.epa.gov]  
**From:** CN=Bob Sussman/OU=DC/O=USEPA/C=US  
**Sent:** Mon 10/19/2009 11:58:28 AM  
**Subject:** Fw: Endocrine disruptors and OMB

# Deliberative

----- Original Message -----

From: Charles Imohiosen

Sent: 10/19/2009 05:42 AM EDT

To: "Bob Sussman" <sussman.bob@epa.gov>

Subject: Endocrine disruptors and OMB

DAILY NEWS FROM INSIDEEPA.COM - FRIDAY, OCTOBER 16, 2009 -

In Rare Step, OMB Urges EPA To Accept Data In Lieu Of Endocrine Tests

The White House Office of Management & Budget (OMB) is requiring EPA "to the greatest extent possible" to accept existing toxicity data in lieu of requiring new tests for chemicals subject to the agency's endocrine disrupting screening program (EDSP) -- a rare exercise of OMB's authority under the Paperwork Reduction Act (PRA). The move is winning praise from industry officials, who have worried that EPA would impose significant new test burdens when existing data is available. "We're pleased OMB recognizes the relevance of the vast amount of data previously collected. . . . Referencing these data on reproductive and developmental toxicity allows EPA to meet the program's requirements and minimizes unnecessary financial, time, and resource burdens on both the agency and industry," Jay Vroom, president of Crop Life America, said in an Oct. 7 statement. And a PRA expert says it is rare for OMB to set such conditions in an approval of a data collection request. Congress required EPA in the 1996 Food Quality Protection Act (FQPA) to create the EDSP to screen for and determine chemicals' potential for disrupting human hormones. EPA has only recently completed the 11 assays that are available to test chemicals in the first tier of the program and earlier this year asked OMB to approve an information collection request (ICR) -- required by the paperwork law -- to require companies whose chemicals are subject to the first round of EDSP testing to develop data. The 11 assays that EPA included in the first tier of the screening program are intended to determine if any of the 67 pesticides the agency has initially tagged for testing have the potential to interact with the endocrine, androgen or thyroid hormones and should go on to a second, more costly round of tests to provide information for hazard assessment. However, EPA has not provided guidance on what results will lead a chemical to be flagged for tier two testing. Nor has the second tier been finalized; EPA is still working to validate the assays it has said it will include. Industry representatives have long questioned the validity of some of the tests, arguing that though EPA has validated all of them, the agency has not been able to produce negative results when it should have done so for some of the assays included in the first tier. During a conference last month, industry representatives charged that running one chemical through the first tier of assays could cost more than \$1 million, while noting that manufacturers already have existing data that provides the same information as the first tier of the EDSP. Representatives urged EPA staff present at the meeting to provide industry with a guide to how the agency will determine what data could be submitted instead of running chemicals through the tier one assays. EPA indicated they were unlikely to do so. But in its Oct. 2 approval of the ICR, OMB is requiring EPA to "promote and encourage test order recipients to submit Other Scientifically Relevant Information (OSRI) in lieu of performing all or some of the Tier I assays, and EPA should accept OSRI as sufficient to satisfy the test orders to the greatest extent possible," according to the notice of OMB action. EPA sent the EDSP test orders to OMB for approval last April. OMB also placed a requirement on EPA to take additional public comment on the program and the guidance the

agency uses to decide if a chemical should move from tier one to tier two. “[I]n order to ensure that EPA has maximized the practical utility of the Tier I assays as the program moves forward, EPA should ensure sufficient opportunity prior to submission of any revision to this collection for public comment and peer review of the EPA tools to be developed to guide agency decisions on whether a chemical must proceed to Tier II, including the Weight of the Evidence Approach and Standard Evaluation Procedures,” according to the OMB notice. “I think OMB set up a reasonable and transparent solution that represents the limitations of our current knowledge,” says a pesticide industry source. The source is particularly encouraged because OMB has set up what the source called a “test program,” giving EPA approval for three years to send industry test orders for the first 67 pesticides. But OMB is also requiring the agency to submit a new estimate of the cost and time burden the test orders will place on industry based on information the companies provide on the 67 chemicals -- before the agency seeks OMB permission to expand the EDSP to other chemicals. The industry source says such an expansion is likely because FQPA allows EPA to also require testing of “any other substance that may have an effect that is cumulative to an effect of a pesticide chemical if the Administrator determines that a substantial population may be exposed to such substance.” “In order for the agency to expand to additional chemicals -- and they’re required to do so -- in order to move forward under their mandate they need to submit a new information collection request and a new burden estimate,” the source says. -- Maria Hegstad

Charles Imohiosen  
Office of the Administrator  
US Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.



**To:** CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** "Steve Owens" [Owens.Steve@epamail.epa.gov]; Lisa P. Jackson" [Windsor.Richard@epamail.epa.gov]  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Mon 10/19/2009 5:38:08 PM  
**Subject:** Re: Fw: Endocrine disruptors and OMB

# Deliberative

**From:** Bob Sussman/DC/USEPA/US  
**To:** "Lisa P. Jackson" <Windsor.Richard@epamail.epa.gov>, "Lisa Heinzerling" <Heinzerling.Lisa@epamail.epa.gov>, "Steve Owens" <Owens.Steve@epamail.epa.gov>  
**Date:** 10/19/2009 07:58 AM  
**Subject:** Fw: Endocrine disruptors and OMB

# Deliberative

----- Original Message -----

**From:** Charles Imohiosen  
**Sent:** 10/19/2009 05:42 AM EDT  
**To:** "Bob Sussman" <sussman.bob@epa.gov>  
**Subject:** Endocrine disruptors and OMB

DAILY NEWS FROM INSIDEEPA.COM - FRIDAY, OCTOBER 16, 2009 -

In Rare Step, OMB Urges EPA To Accept Data In Lieu Of Endocrine Tests

The White House Office of Management & Budget (OMB) is requiring EPA "to the greatest extent possible" to accept existing toxicity data in lieu of requiring new tests for chemicals subject to the agency's endocrine disrupting screening program (EDSP) -- a rare exercise of OMB's authority under the Paperwork Reduction Act (PRA). The move is winning praise from industry officials, who have worried that EPA would impose significant new test burdens when existing data is available. "We're pleased OMB recognizes the relevance of the vast amount of data previously collected. . . . Referencing these data on reproductive and developmental toxicity allows EPA to meet the program's requirements and minimizes unnecessary financial, time, and resource burdens on both the agency and industry," Jay Vroom, president of Crop Life America, said in an Oct. 7 statement. And a PRA expert says it is rare for OMB to set such conditions in an approval of a data collection request. Congress required EPA in the 1996 Food Quality Protection Act (FQPA) to create the EDSP to screen for and determine chemicals' potential for disrupting human hormones. EPA has only recently completed the 11 assays that are available to test chemicals in the first tier of the program and earlier this year asked OMB to approve an information collection request (ICR) -- required by the paperwork law -- to require companies whose chemicals are subject to the first round of EDSP testing to develop data. The 11 assays that EPA included in the first tier of the screening program are intended to determine if any of the 67 pesticides the agency has initially tagged for testing have the potential to interact with the endocrine, androgen or thyroid hormones and should go on to a second, more costly round of tests to provide information for hazard assessment. However, EPA has not provided guidance on what results will lead a chemical to be flagged for tier two

testing. Nor has the second tier been finalized; EPA is still working to validate the assays it has said it will include. Industry representatives have long questioned the validity of some of the tests, arguing that though EPA has validated all of them, the agency has not been able to produce negative results when it should have done so for some of the assays included in the first tier. During a conference last month, industry representatives charged that running one chemical through the first tier of assays could cost more than \$1 million, while noting that manufacturers already have existing data that provides the same information as the first tier of the EDSP. Representatives urged EPA staff present at the meeting to provide industry with a guide to how the agency will determine what data could be submitted instead of running chemicals through the tier one assays. EPA indicated they were unlikely to do so. But in its Oct. 2 approval of the ICR, OMB is requiring EPA to “promote and encourage test order recipients to submit Other Scientifically Relevant Information (OSRI) in lieu of performing all or some of the Tier I assays, and EPA should accept OSRI as sufficient to satisfy the test orders to the greatest extent possible,” according to the notice of OMB action. EPA sent the EDSP test orders to OMB for approval last April. OMB also placed a requirement on EPA to take additional public comment on the program and the guidance the agency uses to decide if a chemical should move from tier one to tier two. “[I]n order to ensure that EPA has maximized the practical utility of the Tier I assays as the program moves forward, EPA should ensure sufficient opportunity prior to submission of any revision to this collection for public comment and peer review of the EPA tools to be developed to guide agency decisions on whether a chemical must proceed to Tier II, including the Weight of the Evidence Approach and Standard Evaluation Procedures,” according to the OMB notice. “I think OMB set up a reasonable and transparent solution that represents the limitations of our current knowledge,” says a pesticide industry source. The source is particularly encouraged because OMB has set up what the source called a “test program,” giving EPA approval for three years to send industry test orders for the first 67 pesticides. But OMB is also requiring the agency to submit a new estimate of the cost and time burden the test orders will place on industry based on information the companies provide on the 67 chemicals -- before the agency seeks OMB permission to expand the EDSP to other chemicals. The industry source says such an expansion is likely because FQPA allows EPA to also require testing of “any other substance that may have an effect that is cumulative to an effect of a pesticide chemical if the Administrator determines that a substantial population may be exposed to such substance.” “In order for the agency to expand to additional chemicals -- and they’re required to do so -- in order to move forward under their mandate they need to submit a new information collection request and a new burden estimate,” the source says. -- Maria Hegstad

Charles Imohiosen  
Office of the Administrator  
US Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Adora  
Andy/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA[];  
N=Adora Andy/OU=DC/O=USEPA/C=US@EPA;CN=Robert  
Goulding/OU=DC/O=USEPA/C=US@EPA[]; N=Robert  
Goulding/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Brendan Gilfillan/OU=DC/O=USEPA/C=US  
**Sent:** Mon 10/19/2009 10:00:00 PM  
**Subject:** Statement on Office of Civil Rights

Below is the statement we intend to issue to Inside EPA on the Office of Civil Rights - this is the issue that the reporter was trying to press us on at the Capitol Hill Summit last week:

The Agency is developing a plan to both resolve the pending Title VI complaints and revitalize the Title VI program going forward. The plan will target more than just the delays in processing complaints; it will address the significant aspects of the program, procedural and substantive. We have made progress in this effort but are far from finished. Designing and initiating a comprehensive plan of action to accomplish these goals, like the achievement of the goals themselves, is challenging and will take some time. But as Administrator Jackson said in her recent press statement after the Rosemere decision, the performance of EPA's Title VI program in recent years is unacceptable. We are committed to identifying and overcoming all obstacles to the creation and operation of an effective Title VI program at EPA.

Brendan Gilfillan  
Deputy Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2081  
gilfillan.brendan@epa.gov

**To:** "Diane Thompson" [Thompson.Diane@epamail.epa.gov]; Bob Perciasepe" [Perciasepe.Bob@epamail.epa.gov]  
**Cc:** "Richard Windsor" [Windsor.Richard@epamail.epa.gov]  
**From:** CN=Scott Fulton/OU=DC/O=USEPA/C=US  
**Sent:** Mon 10/19/2009 10:42:00 PM  
**Subject:** OW political Deputy?  
Resume-ShortForm[1].doc

**Personal Privacy** is interested in being considered for the political Deputy slot for Pete. Can you all visit with him while I'm out on travel? Tough-minded, strong manager, very sharp and astute. Fairly no nonsense fellow. May be what Pete needs. I'm copying Lisa, as she may have been in his chain at one point and probably knows of him.

Cheers,  
Scott

----- Original Message -----

From: **Personal Privacy**

Sent: 10/19/2009 10:14 AM AST

To: Scott Fulton

Subject: RE: Guest Speaker

Here's the resume. Thanks for thinking of me.

**Personal Privacy**

Note: Communications in this email providing legal advice are considered privileged and confidential communications and may be subject to other restrictions on release.

-----Original Message-----

From: Fulton.Scott@epamail.epa.gov [mailto:Fulton.Scott@epamail.epa.gov]

Sent: Thursday, October 15, 2009 11:30 AM

To: **Personal Privacy**

Subject: Re: Guest Speaker

Alright - send me your resume again, and let's see where it carries. I'm open to the speaking gig, but may want to wait until I get out from under the Acting Deputy role before signing up. Cheers, Scott

----- Original Message -----

From: **Personal Privacy**

Sent: 10/15/2009 10:59 AM AST

To: Scott Fulton

Subject: RE: Guest Speaker

I am interested. I started my career at EPA working on CWA issues and spent a while as (Acting) Associate GC for Water, so I have a background (although ancient) and an interest in Water issues. Also please consider the speaking invitation, it would be pretty light duty, although a time commitment.

## Personal Privacy

Note: Communications in this email providing legal advice are considered privileged and confidential communications and may be subject to other restrictions on release.

-----Original Message-----

From: Fulton.Scott@epamail.epa.gov [mailto:Fulton.Scott@epamail.epa.gov]

Sent: Thursday, October 15, 2009 10:47 AM

To: **Personal Privacy**

Subject: Re: Guest Speaker

Thanks **Personal Privacy** let me size it up. Bug me again if you don't hear from me. Your note saved me from having to find your address, as I was going to reach out to you. On the QT - we're looking for a strong political Deputy Assistant Administrator for the Office of Water. Interested?  
Cheers, Scott

----- Original Message -----

From: **Personal Privacy**

Sent: 10/14/2009 01:01 PM AST

To: Scott Fulton

Subject: Guest Speaker

Scott,

DOE GC has inaugurated a distinguished guest speaker series and I'd like to invite you to participate. It would only be an hour over lunch time at a day convenient for you. Turnout has been good and there would be a Q&A after prepared remarks. I think it would be great if you could do it.

Bruce

## Personal Privacy

Note: Communications in this email providing legal advice are considered privileged and confidential communications and may be subject to other restrictions on release.

**To:** CN=Steve Owens/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** "Richard Windsor" [Windsor.Richard@epamail.epa.gov]; Marygrace Galston" [galston.marygrace@epa.gov]  
**From:** CN=Diane Thompson/OU=DC/O=USEPA/C=US  
**Sent:** Tue 10/20/2009 1:08:05 AM  
**Subject:** Re: OPPTS Political Deputy

This is great news! Could u share the resume with the Adm and me? If we don't have any questions we will forwrd it to marygrace to begin the vet. This is a sched C position. Have you discussed salary with this person? Also, can't have been a lobbyist in the past 2 years. DT

----- Original Message -----

From: Steve Owens  
Sent: 10/19/2009 05:58 PM EDT  
To: Marygrace Galston; Diane Thompson  
Subject: OPPTS Political Deputy

I have identified the person I want as my political deputy. Want do I need to do to move this forward?

**To:** "Richard Windsor" [Windsor.Richard@epamail.epa.gov]  
**From:** CN=Diane Thompson/OU=DC/O=USEPA/C=US  
**Sent:** Tue 10/20/2009 1:36:42 AM  
**Subject:** Fw: Talking Points: Insurance Companies' Last-Ditch Defense of the Status Quo // Republican Leaders' Plan to "Delay, Define, and Derail" Reform Unmasked

FYI

From: "Milakofsky, Benjamin E." [Personal Privacy]  
Sent: 10/19/2009 12:10 PM AST  
To: "Lu, Christopher P." [Personal Privacy] "Smith, Elizabeth S." [Personal Privacy]  
"Kimball, Astri B." [Personal Privacy] "French, Michael J." [Personal Privacy]  
"Greenawalt, Andrei M." [Personal Privacy]  
"Taylor, Adam R." [Personal Privacy]  
"Milakofsky, Benjamin E." [Personal Privacy]  
Subject: Talking Points: Insurance Companies' Last-Ditch Defense of the Status Quo // Republican Leaders' Plan to "Delay, Define, and Derail" Reform Unmasked

Dear Chiefs of Staff:

Please see the below talking points on health insurance reform.

--Cabinet Affairs

Talking Points: Insurance Companies' Last-Ditch Defense of the Status Quo

· For decades – even as rising health care costs have unleashed havoc on families, businesses, and the economy – insurance companies have done everything in their considerable power to prevent reform.

· Now – as we're closer to reform than ever before – the insurance industry is rolling out the big guns and breaking open their massive war chest for one last fight to save the status quo.

- o They're filling the airwaves with deceptive and dishonest ads.
- o They're flooding Capitol Hill with lobbyists and campaign contributions.
- o And they're funding studies designed to mislead the American people.



- The evidence is clear. The status quo is unsustainable.
- o In the past decade, premiums have doubled.
- o Over the past few years, total out of pocket costs for people with insurance rose by a third.
- o A new report for the Business Roundtable – a non-partisan group that represents the CEOs of major companies – found that without significant reform, health care costs for these employers and their employees will well more than double again over the next decade.
- And despite the insurance companies’ misleading claims that reform will cause premiums to rise, the non-partisan Congressional Budget Office found that reforms will lower premiums in a new insurance exchange while offering consumer protections that will limit out-of-pocket costs and prevent discrimination based on pre-existing conditions.
- So while we welcome a healthy debate and the opportunity to defend our proposals, we will not abide those who would bend the truth – or break it – to score political points and stop our progress as a country.
- There remain significant details to work out. But today reform is closer – and more necessary – than ever before. So we urge every member of Congress to stand against the power plays and political ploys – and to stand up on behalf the American people who sent us to Washington to do their business.

#### Talking Points: Republican Leaders’ Plan to “Delay, Define, and Derail” Reform Unmasked

- Republican leaders in Congress have, unfortunately, decided to join the insurance industry in their last-ditch stand to protect the status quo.
- A new article in Roll Call today unmasks their “comprehensive political strategy to delay, define, and derail” reform.
- The article warns that Republican leaders will resort to the time-honored tactic of attempting to stall reform to death – raising arbitrary and disingenuous hurdles under the guise of wanting further debate, when in reality they have no intention of offering constructive proposals.

- It also sheds light on their intention to continue joining the insurance companies in misleading Americans about what reform will mean for them.
  - o Republican leaders intend to repeat their claims that reform “will raise insurance premiums on individuals and families, while failing to lower the overall amount of money that the U.S. spends on health care... even though the nonpartisan CBO predicted the [Senate Finance Committee] bill would reduce the deficit and lower the cost curve, even as it extends coverage to millions of uninsured Americans.”
  
- The status quo Republican leaders and the insurance companies are fighting so hard to defend is unsustainable for American families, businesses, and the country as a whole.
  - o They’re fighting to allow insurers to continue discriminating against those who have preexisting conditions and to continue dropping or watering down coverage when you get sick and need it most.
  - o They’re fighting to defend a system that has seen premiums double over the past decade and will see them double again over the next decade.
  - o They’re fighting to protect insurance industry profits while millions of Americans are one illness or injury from losing everything and thousands are losing their insurance each day.
  
- So while we remain committed to working with those in both parties who have good-faith proposals about how to strengthen the final reform bill, we will not stand idly by in the face of false accusations aimed to score political points or maintain the status quo at all costs.

**To:** CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** "Marygrace Galston" [galston.marygrace@epa.gov]; Richard Windsor"  
[Windsor.Richard@epamail.epa.gov]  
**From:** CN=Steve Owens/OU=DC/O=USEPA/C=US  
**Sent:** Tue 10/20/2009 1:03:48 PM  
**Subject:** Re: OPPTS Political Deputy

The person is [Personal Privacy] I have known [Personal Privacy] for several years, and we have worked together closely on many things. I think he will be a great addition to our team. The Administrator knows him, I believe. He has not been a lobbyist in the last two years, if ever.

I have asked [Personal Privacy] for a short resume. I will forward it to you as soon as I get it.

Thanks!

**From:** Diane Thompson/DC/USEPA/US  
**To:** Steve Owens/DC/USEPA/US@EPA  
**Cc:** "Richard Windsor" <Windsor.Richard@epamail.epa.gov>, "Marygrace Galston" <galston.marygrace@epa.gov>  
**Date:** 10/19/2009 09:08 PM  
**Subject:** Re: OPPTS Political Deputy

This is great news! Could u share the resume with the Adm and me? If we don't have any questions we will forward it to marygrace to begin the vet. This is a sched C position. Have you discussed salary with this person? Also, can't have been a lobbyist in the past 2 years. DT

----- Original Message -----

**From:** Steve Owens  
**Sent:** 10/19/2009 05:58 PM EDT  
**To:** Marygrace Galston; Diane Thompson  
**Subject:** OPPTS Political Deputy

I have identified the person I want as my political deputy. What do I need to do to move this forward?

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Peter Silva/OU=DC/O=USEPA/C=US@EPA;perciaspe.bob@epa.gov;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=William Early/OU=R3/O=USEPA/C=US[]; N=Peter Silva/OU=DC/O=USEPA/C=US@EPA;perciaspe.bob@epa.gov;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=William Early/OU=R3/O=USEPA/C=US[]; erciaspe.bob@epa.gov;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=William Early/OU=R3/O=USEPA/C=US[]; N=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=William Early/OU=R3/O=USEPA/C=US[]; N=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=William Early/OU=R3/O=USEPA/C=US[]; N=William Early/OU=R3/O=USEPA/C=US[]

**Cc:** []

**From:** CN=Chuck Fox/OU=CBP/O=USEPA/C=US

**Sent:** Tue 10/20/2009 1:19:51 PM

**Subject:** MD LCV Event

Administrator and Colleagues,

I presented two awards last night at the annual Maryland LCV event, one of which was to Senator Mikulski. I also sat next to her at dinner. She was exuberant in her praise of the Administrator (and the President) in her public and private remarks. She expressed a great deal of confidence in the work we are doing nationally and in Chesapeake Bay. Whew. You should also know that the award she received had significant personal meaning to her, which I can tell you more about later if you want.

I also spoke at length to Rep. Frank Kratovil who was very appreciative of our continued communications with him about the challenges of regulating CAFOs (he represents Maryland's Eastern Shore). He received great praise for his "courageous" votes on climate change and made it clear that he wants to continue to do right by the environment. Whew, again.

**Deliberative**

**Deliberative**

Look forward to catching up more on the upcoming strategy in the next couple of days. Thanks.

Chuck

J. Charles Fox  
Senior Advisor to the Administrator  
Environmental Protection Agency  
410 Severn Avenue, Ste 109  
410-267-5730  
410-267-5777 (f)

Non-responsive



Non-responsive

To: CN=Adora Andy/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Cameron Davis/OU=R5/O=USEPA/C=US@EPA;CN=Heidi Ellis/OU=DC/O=USEPA/C=US@EPA;CN=Chuck Fox/OU=CBP/O=USEPA/C=US@EPA;CN=Craig Hooks/OU=DC/O=USEPA/C=US@EPA;CN=Cynthia Giles-AA/OU=DC/O=USEPA/C=US@EPA;CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Gina McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=Lawrence Elworth/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Mathy Stanislaus/OU=DC/O=USEPA/C=US@EPA;CN=Michelle DePass/OU=DC/O=USEPA/C=US@EPA;CN=Peter Silva/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Sarah Pallone/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA;CN=Steve Owens/OU=DC/O=USEPA/C=US@EPA[]; N=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Cameron Davis/OU=R5/O=USEPA/C=US@EPA;CN=Heidi Ellis/OU=DC/O=USEPA/C=US@EPA;CN=Chuck Fox/OU=CBP/O=USEPA/C=US@EPA;CN=Craig Hooks/OU=DC/O=USEPA/C=US@EPA;CN=Cynthia Giles-AA/OU=DC/O=USEPA/C=US@EPA;CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Gina McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=Lawrence Elworth/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Mathy Stanislaus/OU=DC/O=USEPA/C=US@EPA;CN=Michelle DePass/OU=DC/O=USEPA/C=US@EPA;CN=Peter Silva/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Sarah Pallone/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA;CN=Steve Owens/OU=DC/O=USEPA/C=US@EPA[]; N=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Cameron Davis/OU=R5/O=USEPA/C=US@EPA;CN=Heidi Ellis/OU=DC/O=USEPA/C=US@EPA;CN=Chuck Fox/OU=CBP/O=USEPA/C=US@EPA;CN=Craig Hooks/OU=DC/O=USEPA/C=US@EPA;CN=Cynthia Giles-AA/OU=DC/O=USEPA/C=US@EPA;CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Gina



McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=Lawrence  
 Elworth/OU=DC/O=USEPA/C=US@EPA;CN=Lisa  
 Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Mathy  
 Stanislaus/OU=DC/O=USEPA/C=US@EPA;CN=Michelle  
 DePass/OU=DC/O=USEPA/C=US@EPA;CN=Peter  
 Silva/OU=DC/O=USEPA/C=US@EPA;CN=Robert  
 Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Sarah  
 Pallone/OU=DC/O=USEPA/C=US@EPA;CN=Scott  
 Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Seth  
 Oster/OU=DC/O=USEPA/C=US@EPA;CN=Steve Owens/OU=DC/O=USEPA/C=US@EPA[];  
 N=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Richard  
 Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Cameron  
 Davis/OU=R5/O=USEPA/C=US@EPA;CN=Heidi  
 Ellis/OU=DC/O=USEPA/C=US@EPA;CN=Chuck  
 Fox/OU=CBP/O=USEPA/C=US@EPA;CN=Craig  
 Hooks/OU=DC/O=USEPA/C=US@EPA;CN=Cynthia Giles-  
 AA/OU=DC/O=USEPA/C=US@EPA;CN=David  
 McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Diane  
 Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Eric  
 Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Gina  
 McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=Lawrence  
 Elworth/OU=DC/O=USEPA/C=US@EPA;CN=Lisa  
 Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Mathy  
 Stanislaus/OU=DC/O=USEPA/C=US@EPA;CN=Michelle  
 DePass/OU=DC/O=USEPA/C=US@EPA;CN=Peter  
 Silva/OU=DC/O=USEPA/C=US@EPA;CN=Robert  
 Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Sarah  
 Pallone/OU=DC/O=USEPA/C=US@EPA;CN=Scott  
 Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Seth  
 Oster/OU=DC/O=USEPA/C=US@EPA;CN=Steve Owens/OU=DC/O=USEPA/C=US@EPA[];  
 N=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Cameron  
 Davis/OU=R5/O=USEPA/C=US@EPA;CN=Heidi  
 Ellis/OU=DC/O=USEPA/C=US@EPA;CN=Chuck  
 Fox/OU=CBP/O=USEPA/C=US@EPA;CN=Craig  
 Hooks/OU=DC/O=USEPA/C=US@EPA;CN=Cynthia Giles-  
 AA/OU=DC/O=USEPA/C=US@EPA;CN=David  
 McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Diane  
 Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Eric  
 Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Gina  
 McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=Lawrence  
 Elworth/OU=DC/O=USEPA/C=US@EPA;CN=Lisa  
 Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Mathy  
 Stanislaus/OU=DC/O=USEPA/C=US@EPA;CN=Michelle  
 DePass/OU=DC/O=USEPA/C=US@EPA;CN=Peter  
 Silva/OU=DC/O=USEPA/C=US@EPA;CN=Robert  
 Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Sarah  
 Pallone/OU=DC/O=USEPA/C=US@EPA;CN=Scott  
 Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Seth  
 Oster/OU=DC/O=USEPA/C=US@EPA;CN=Steve Owens/OU=DC/O=USEPA/C=US@EPA[];  
 N=Cameron Davis/OU=R5/O=USEPA/C=US@EPA;CN=Heidi  
 Ellis/OU=DC/O=USEPA/C=US@EPA;CN=Chuck  
 Fox/OU=CBP/O=USEPA/C=US@EPA;CN=Craig  
 Hooks/OU=DC/O=USEPA/C=US@EPA;CN=Cynthia Giles-  
 AA/OU=DC/O=USEPA/C=US@EPA;CN=David  
 McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Diane  
 Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Eric

Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Gina  
 McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=Lawrence  
 Elworth/OU=DC/O=USEPA/C=US@EPA;CN=Lisa  
 Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Mathy  
 Stanislaus/OU=DC/O=USEPA/C=US@EPA;CN=Michelle  
 DePass/OU=DC/O=USEPA/C=US@EPA;CN=Peter  
 Silva/OU=DC/O=USEPA/C=US@EPA;CN=Robert  
 Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Sarah  
 Pallone/OU=DC/O=USEPA/C=US@EPA;CN=Scott  
 Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Seth  
 Oster/OU=DC/O=USEPA/C=US@EPA;CN=Steve Owens/OU=DC/O=USEPA/C=US@EPA[];  
 N=Heidi Ellis/OU=DC/O=USEPA/C=US@EPA;CN=Chuck  
 Fox/OU=CBP/O=USEPA/C=US@EPA;CN=Craig  
 Hooks/OU=DC/O=USEPA/C=US@EPA;CN=Cynthia Giles-  
 AA/OU=DC/O=USEPA/C=US@EPA;CN=David  
 McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Diane  
 Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Eric  
 Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Gina  
 McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=Lawrence  
 Elworth/OU=DC/O=USEPA/C=US@EPA;CN=Lisa  
 Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Mathy  
 Stanislaus/OU=DC/O=USEPA/C=US@EPA;CN=Michelle  
 DePass/OU=DC/O=USEPA/C=US@EPA;CN=Peter  
 Silva/OU=DC/O=USEPA/C=US@EPA;CN=Robert  
 Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Sarah  
 Pallone/OU=DC/O=USEPA/C=US@EPA;CN=Scott  
 Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Seth  
 Oster/OU=DC/O=USEPA/C=US@EPA;CN=Steve Owens/OU=DC/O=USEPA/C=US@EPA[];  
 N=Chuck Fox/OU=CBP/O=USEPA/C=US@EPA;CN=Craig  
 Hooks/OU=DC/O=USEPA/C=US@EPA;CN=Cynthia Giles-  
 AA/OU=DC/O=USEPA/C=US@EPA;CN=David  
 McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Diane  
 Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Eric  
 Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Gina  
 McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=Lawrence  
 Elworth/OU=DC/O=USEPA/C=US@EPA;CN=Lisa  
 Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Mathy  
 Stanislaus/OU=DC/O=USEPA/C=US@EPA;CN=Michelle  
 DePass/OU=DC/O=USEPA/C=US@EPA;CN=Peter  
 Silva/OU=DC/O=USEPA/C=US@EPA;CN=Robert  
 Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Sarah  
 Pallone/OU=DC/O=USEPA/C=US@EPA;CN=Scott  
 Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Seth  
 Oster/OU=DC/O=USEPA/C=US@EPA;CN=Steve Owens/OU=DC/O=USEPA/C=US@EPA[];  
 N=Craig Hooks/OU=DC/O=USEPA/C=US@EPA;CN=Cynthia Giles-  
 AA/OU=DC/O=USEPA/C=US@EPA;CN=David  
 McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Diane  
 Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Eric  
 Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Gina  
 McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=Lawrence  
 Elworth/OU=DC/O=USEPA/C=US@EPA;CN=Lisa  
 Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Mathy  
 Stanislaus/OU=DC/O=USEPA/C=US@EPA;CN=Michelle  
 DePass/OU=DC/O=USEPA/C=US@EPA;CN=Peter  
 Silva/OU=DC/O=USEPA/C=US@EPA;CN=Robert  
 Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Sarah

Pallone/OU=DC/O=USEPA/C=US@EPA;CN=Scott  
 Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Seth  
 Oster/OU=DC/O=USEPA/C=US@EPA;CN=Steve Owens/OU=DC/O=USEPA/C=US@EPA[];  
 N=Cynthia Giles-AA/OU=DC/O=USEPA/C=US@EPA;CN=David  
 McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Diane  
 Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Eric  
 Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Gina  
 McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=Lawrence  
 Elworth/OU=DC/O=USEPA/C=US@EPA;CN=Lisa  
 Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Mathy  
 Stanislaus/OU=DC/O=USEPA/C=US@EPA;CN=Michelle  
 DePass/OU=DC/O=USEPA/C=US@EPA;CN=Peter  
 Silva/OU=DC/O=USEPA/C=US@EPA;CN=Robert  
 Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Sarah  
 Pallone/OU=DC/O=USEPA/C=US@EPA;CN=Scott  
 Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Seth  
 Oster/OU=DC/O=USEPA/C=US@EPA;CN=Steve Owens/OU=DC/O=USEPA/C=US@EPA[];  
 N=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Diane  
 Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Eric  
 Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Gina  
 McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=Lawrence  
 Elworth/OU=DC/O=USEPA/C=US@EPA;CN=Lisa  
 Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Mathy  
 Stanislaus/OU=DC/O=USEPA/C=US@EPA;CN=Michelle  
 DePass/OU=DC/O=USEPA/C=US@EPA;CN=Peter  
 Silva/OU=DC/O=USEPA/C=US@EPA;CN=Robert  
 Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Sarah  
 Pallone/OU=DC/O=USEPA/C=US@EPA;CN=Scott  
 Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Seth  
 Oster/OU=DC/O=USEPA/C=US@EPA;CN=Steve Owens/OU=DC/O=USEPA/C=US@EPA[];  
 N=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Eric  
 Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Gina  
 McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=Lawrence  
 Elworth/OU=DC/O=USEPA/C=US@EPA;CN=Lisa  
 Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Mathy  
 Stanislaus/OU=DC/O=USEPA/C=US@EPA;CN=Michelle  
 DePass/OU=DC/O=USEPA/C=US@EPA;CN=Peter  
 Silva/OU=DC/O=USEPA/C=US@EPA;CN=Robert  
 Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Sarah  
 Pallone/OU=DC/O=USEPA/C=US@EPA;CN=Scott  
 Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Seth  
 Oster/OU=DC/O=USEPA/C=US@EPA;CN=Steve Owens/OU=DC/O=USEPA/C=US@EPA[];  
 N=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Gina  
 McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=Lawrence  
 Elworth/OU=DC/O=USEPA/C=US@EPA;CN=Lisa  
 Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Mathy  
 Stanislaus/OU=DC/O=USEPA/C=US@EPA;CN=Michelle  
 DePass/OU=DC/O=USEPA/C=US@EPA;CN=Peter  
 Silva/OU=DC/O=USEPA/C=US@EPA;CN=Robert  
 Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Sarah  
 Pallone/OU=DC/O=USEPA/C=US@EPA;CN=Scott  
 Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Seth  
 Oster/OU=DC/O=USEPA/C=US@EPA;CN=Steve Owens/OU=DC/O=USEPA/C=US@EPA[];  
 N=Gina McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=Lawrence  
 Elworth/OU=DC/O=USEPA/C=US@EPA;CN=Lisa  
 Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Mathy

Stanislaus/OU=DC/O=USEPA/C=US@EPA;CN=Michelle  
DePass/OU=DC/O=USEPA/C=US@EPA;CN=Peter  
Silva/OU=DC/O=USEPA/C=US@EPA;CN=Robert  
Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Sarah  
Pallone/OU=DC/O=USEPA/C=US@EPA;CN=Scott  
Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Seth  
Oster/OU=DC/O=USEPA/C=US@EPA;CN=Steve Owens/OU=DC/O=USEPA/C=US@EPA[];  
N=Lawrence Elworth/OU=DC/O=USEPA/C=US@EPA;CN=Lisa  
Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Mathy  
Stanislaus/OU=DC/O=USEPA/C=US@EPA;CN=Michelle  
DePass/OU=DC/O=USEPA/C=US@EPA;CN=Peter  
Silva/OU=DC/O=USEPA/C=US@EPA;CN=Robert  
Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Sarah  
Pallone/OU=DC/O=USEPA/C=US@EPA;CN=Scott  
Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Seth  
Oster/OU=DC/O=USEPA/C=US@EPA;CN=Steve Owens/OU=DC/O=USEPA/C=US@EPA[];  
N=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Mathy  
Stanislaus/OU=DC/O=USEPA/C=US@EPA;CN=Michelle  
DePass/OU=DC/O=USEPA/C=US@EPA;CN=Peter  
Silva/OU=DC/O=USEPA/C=US@EPA;CN=Robert  
Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Sarah  
Pallone/OU=DC/O=USEPA/C=US@EPA;CN=Scott  
Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Seth  
Oster/OU=DC/O=USEPA/C=US@EPA;CN=Steve Owens/OU=DC/O=USEPA/C=US@EPA[];  
N=Mathy Stanislaus/OU=DC/O=USEPA/C=US@EPA;CN=Michelle  
DePass/OU=DC/O=USEPA/C=US@EPA;CN=Peter  
Silva/OU=DC/O=USEPA/C=US@EPA;CN=Robert  
Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Sarah  
Pallone/OU=DC/O=USEPA/C=US@EPA;CN=Scott  
Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Seth  
Oster/OU=DC/O=USEPA/C=US@EPA;CN=Steve Owens/OU=DC/O=USEPA/C=US@EPA[];  
N=Michelle DePass/OU=DC/O=USEPA/C=US@EPA;CN=Peter  
Silva/OU=DC/O=USEPA/C=US@EPA;CN=Robert  
Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Sarah  
Pallone/OU=DC/O=USEPA/C=US@EPA;CN=Scott  
Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Seth  
Oster/OU=DC/O=USEPA/C=US@EPA;CN=Steve Owens/OU=DC/O=USEPA/C=US@EPA[];  
N=Peter Silva/OU=DC/O=USEPA/C=US@EPA;CN=Robert  
Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Sarah  
Pallone/OU=DC/O=USEPA/C=US@EPA;CN=Scott  
Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Seth  
Oster/OU=DC/O=USEPA/C=US@EPA;CN=Steve Owens/OU=DC/O=USEPA/C=US@EPA[];  
N=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Sarah  
Pallone/OU=DC/O=USEPA/C=US@EPA;CN=Scott  
Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Seth  
Oster/OU=DC/O=USEPA/C=US@EPA;CN=Steve Owens/OU=DC/O=USEPA/C=US@EPA[];  
N=Sarah Pallone/OU=DC/O=USEPA/C=US@EPA;CN=Scott  
Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Seth  
Oster/OU=DC/O=USEPA/C=US@EPA;CN=Steve Owens/OU=DC/O=USEPA/C=US@EPA[];  
N=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Seth  
Oster/OU=DC/O=USEPA/C=US@EPA;CN=Steve Owens/OU=DC/O=USEPA/C=US@EPA[];  
N=Seth Oster/OU=DC/O=USEPA/C=US@EPA;CN=Steve  
Owens/OU=DC/O=USEPA/C=US@EPA[]; N=Steve Owens/OU=DC/O=USEPA/C=US@EPA[]

**Cc:** Jill Davis [jill.davis@pacesinc.com]  
**From:** CN=Bob Perciasepe/OU=DC/O=USEPA/C=US  
**Sent:** Tue 10/20/2009 8:13:46 PM

**Subject:** Senior Leadership Retreat

**Deliberative**

Hi Everyone:

I know everyone is starting to think about the upcoming retreat on October 30 and 31. The location will be at the Aspen Wye River Conference Center on Maryland's Eastern Shore. We will be at the River House. There will be individual rooms at the Conference Center.

Please read carefully as there are actions you need to personally complete before Friday this week.

Here are some basics:

We are setting up a car pool system (to reduce our footprint) for Friday morning's departure and for Saturday afternoon's return. Rob Goulding is working on putting that together and if you haven't communicated with him yet please do. Directions will be given to the drivers, but expect the drive to be a little over an hour to perhaps an hour and 15/20 minutes from the DC area to over Wye Island, the Bay Bridge.

We will expect everyone to be there by 9:30 am and we expect to start at 9:45. There will be coffee and light morning fare when we arrive.

The attire will be casual

There is Homework

Read "Good to Great: for the Social Sectors, a 31 page monograph by Jim Collins. We will have copies of this here at EPA this week so that you can read it over the weekend. Rob Goulding, will let your folk know when it arrives. For the few of you not in DC, contact Rob to make arrangements to get the book.

Each of you will be asked during the early session to say a few words about yourself and our facilitator has asked that you also bring an item or artifact that would symbolize your aspirations for our team.

THE SURVEY !!! below is a link to zoomerang.com - Please click on it and complete the survey prepared by the facilitator. When doing it think about the senior management team as you formulate your answers.

Meeting Outline

The meeting will start at 9:45 am on Friday and be completed by 1:30 pm Saturday.

The initial sessions will allow us to get to know a little about each other and our personal aspirations for our time at EPA

We will spend a significant amount of the time focusing on our specific priorities as a team, our values and vision

We will conclude with discussions on how we make our agenda happen, how do we execute and implement.

There will be more on this before the meeting for you to review and to stimulate our discussions. There will also be some summaries of information from the survey.

Meals will be provided and on Friday night the schedule will provide for time to spend with each other both before the dinner (even a short hike) and after.

Thank you in advance for your participation and completing the survey.

**Deliberative**

Bob P

**To:** CN=Chuck Fox/OU=CBP/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Peter Silva/OU=DC/O=USEPA/C=US@EPA,"perciasepe bob" [perciasepe.bob@epa.gov]; N=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Peter Silva/OU=DC/O=USEPA/C=US@EPA,"perciasepe bob" [perciasepe.bob@epa.gov]; N=Peter Silva/OU=DC/O=USEPA/C=US@EPA,"perciasepe bob" [perciasepe.bob@epa.gov]; perciasepe bob" [perciasepe.bob@epa.gov]; N=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=William Early/OU=R3/O=USEPA/C=US[]; N=William Early/OU=R3/O=USEPA/C=US[]  
**From:** CN=Bob Sussman/OU=DC/O=USEPA/C=US  
**Sent:** Wed 10/21/2009 12:31:04 AM  
**Subject:** Re: MD LCV Event

**Deliberative**

----- Original Message -----

From: Chuck Fox

Sent: 10/20/2009 09:19 AM EDT

To: Richard Windsor; Peter Silva; perciasepe.bob@epa.gov; Bob Sussman; David McIntosh; William Early

Subject: MD LCV Event

Administrator and Colleagues,

I presented two awards last night at the annual Maryland LCV event, one of which was to Senator Mikulski. I also sat next to her at dinner. She was exuberant in her praise of the Administrator (and the President) in her public and private remarks. She expressed a great deal of confidence in the work we are doing nationally and in Chesapeake Bay. Whew. You should also know that the award she received had significant personal meaning to her, which I can tell you more about later if you want.

I also spoke at length to Rep. Frank Kratovil who was very appreciative of our continued communications with him about the challenges of regulating CAFOs (he represents Maryland's Eastern Shore). He received great praise for his "courageous" votes on climate change and made it clear that he wants to continue to do right by the environment. Whew, again.

**Deliberative**

**Deliberative**

Look forward to catching up more on the upcoming strategy in the next couple of days. Thanks.

Chuck

J. Charles Fox  
Senior Advisor to the Administrator  
Environmental Protection Agency  
410 Severn Avenue, Ste 109  
410-267-5730  
410-267-5777 (f)

**To:** CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA;"perciasepe bob" [perciasepe.bob@epa.gov]; perciasepe bob" [perciasepe.bob@epa.gov]; N=Peter Silva/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=William Early/OU=R3/O=USEPA/C=US[]; N=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=William Early/OU=R3/O=USEPA/C=US[]; N=William Early/OU=R3/O=USEPA/C=US[]  
**From:** CN=Chuck Fox/OU=CBP/O=USEPA/C=US  
**Sent:** Wed 10/21/2009 1:00:36 AM  
**Subject:** Re: MD LCV Event

**Deliberative**

J. Charles Fox  
Senior Advisor to the Administrator  
Environmental Protection Agency  
410 Severn Avenue, Ste 109  
410-267-5730  
410-267-5777 (f)

**From:** Bob Sussman/DC/USEPA/US  
**To:** Chuck Fox/CBP/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA, Peter Silva/DC/USEPA/US@EPA, "perciasepe bob" <perciasepe.bob@epa.gov>, David McIntosh/DC/USEPA/US@EPA, William Early/R3/USEPA/US  
**Date:** 10/20/2009 08:32 PM  
**Subject:** Re: MD LCV Event

**Deliberative**

----- Original Message -----

**From:** Chuck Fox  
**Sent:** 10/20/2009 09:19 AM EDT  
**To:** Richard Windsor; Peter Silva; perciasepe.bob@epa.gov; Bob Sussman; David McIntosh; William Early  
**Subject:** MD LCV Event  
Administrator and Colleagues,  
I presented two awards last night at the annual Maryland LCV event, one of which was to Senator



Mikulski. I also sat next to her at dinner. She was exuberant in her praise of the Administrator (and the President) in her public and private remarks. She expressed a great deal of confidence in the work we are doing nationally and in Chesapeake Bay. Whew. You should also know that the award she received had significant personal meaning to her, which I can tell you more about later if you want.

I also spoke at length to Rep. Frank Kratovil who was very appreciative of our continued communications with him about the challenges of regulating CAFOs (he represents Maryland's Eastern Shore). He received great praise for his "courageous" votes on climate change and made it clear that he wants to continue to do right by the environment. Whew, again.

**Deliberative**

Look forward to catching up more on the upcoming strategy in the next couple of days. Thanks.

Chuck

J. Charles Fox  
Senior Advisor to the Administrator  
Environmental Protection Agency  
410 Severn Avenue, Ste 109  
410-267-5730  
410-267-5777 (f)

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=David McIntosh/OU=DC/O=USEPA/C=US  
**Sent:** Wed 10/21/2009 12:09:34 PM  
**Subject:** draft opening statement for your review  
Draft Oct 27 Administrator Jackson Opening Statement.doc

Administrator: Attached and pasted below is the draft of your opening statement for next Tuesday's Senate EPW hearing on the Kerry-Boxer climate/energy bill. The draft has been reviewed by the relevant OAR staff, by OGC, and by Gina, Lisa H, and Seth. If it looks all right to you, I'll put it into OMB review tomorrow, for submission to the EPW Committee on Friday.

Statement of Lisa P. Jackson  
Administrator, U.S. Environmental Protection Agency  
Hearing before the Senate Committee on Environment and Public Works  
October 27, 2009

Chairman Boxer, Ranking Minority Member Inhofe, and members of the Committee, thank you for inviting me to testify about the Clean Energy Jobs and American Power Act.

I last appeared before this Committee on July 7. Since then, this Administration has, under President Obama's leadership, taken unprecedented steps to decrease America's dependence on oil, put our nation in the lead of the 21st Century energy economy, and reduce the greenhouse-gas pollution that threatens our children and grandchildren.

On September 15, for example, Secretary LaHood and I jointly announced coordinated Department of Transportation and Environmental Protection Agency rulemakings to increase the fuel efficiency and reduce the greenhouse-gas emissions of cars and light-duty trucks sold from 2012 through 2016. The rules will reduce the lifetime oil consumption of those vehicles by 1.8 billion barrels. That will mean eliminating more than a billion barrels of imported oil, assuming the current ratio of domestic production to imports does not improve. At today's oil prices, we are talking about preventing 78 billion dollars from going abroad to buy oil from other countries. In the process, the rules will eliminate nearly a billion metric tons of greenhouse-gas pollution.

Each of my colleagues here can describe other steps that this Administration has already taken to make America's economy stronger by getting it running on clean energy.

Even as the President and the members of his Cabinet move forward under existing authority, we continue urging Congress to pass a new clean-energy law. Only new legislation can bring about the comprehensive and integrated changes that are needed to restore America's economic health and keep the nation secure over the long term.

This Committee held its July 7 hearing shortly after the House of Representatives passed the American Clean Energy and Security Act. So I took the opportunity to echo President Obama's request that the Senate demonstrate the same commitment that we had seen in the House to building a clean-energy foundation for a strong American economy.

The introduction of the Clean Energy Jobs and American Power Act on September 30 shows that the Senate is responding to the President's call to action. I commend you, Madame Chairman, and Senators Kerry and Kirk, for introducing that bill. I applaud the many other Senators, including members of this committee, who contributed meaningfully to the introduced legislation. And I thank Senator Graham for joining with Senator Kerry in a recent statement that reminds us all that giving America control over its own energy destiny can and should be a bi-partisan mission.

Earlier this year, EPA ran the major provisions of the House clean-energy legislation through several economic computer models. When it comes to the specifications that the models can detect, the Clean Energy Jobs and American Power Act is very similar to the House legislation. Nevertheless, EPA has examined the ways in which the Senate bill is different and determined which of the conclusions reached about the House-passed bill can confidently be said to apply to the Senate bill as well.

EPA delivered the result of that inquiry to the Committee last Friday, and the members can review the report in detail. But let me just state three of the projections about the House bill that EPA feels confident also apply to the Clean Energy Jobs and American Power Act.

First, the legislation would transform the American economy from one that is relatively energy inefficient and dependent on highly-polluting energy production to one that is highly energy efficient and powered by advanced, cleaner, and more domestically-sourced energy.

Second, the legislation would bring about that transformation at a cost of less than 50 cents per day per American household in 2020.

Third, the finding that regional cost differences would be small applies to the Senate bill just as it did to the House legislation.

Moreover, even if the cost borne by the average household in a particular state were double the national average, it still would be less than a dollar a day in 2020.

I do not think anyone can honestly say that the head of an American household would not be willing to spend fifty cents a day – or even a dollar a day – to safeguard the wellbeing of his or her children, reduce the amount of money that we send abroad for oil, place American entrepreneurs back in the lead of the global marketplace, and create new American jobs that pay well and cannot be outsourced.

I think Americans want reform that harnesses the country's can-do spirit. I think they want to fuel long-term economic recovery with a wise investment that sparks a clean-energy transformation in our economy and that protects our children and grandchildren.

The Clean Energy Jobs and American Power Act is a significant milestone on the road to that reform. There of course remains road ahead, and there are many Senators on and off this Committee who have tremendous value to add. Thank you for your continuing work, and for inviting me to testify today.

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Gina McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA;CN=Allyn LaSure/OU=DC/O=USEPA/C=US@EPA[]; N=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Gina McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA;CN=Allyn LaSure/OU=DC/O=USEPA/C=US@EPA[]; N=Gina McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA;CN=Allyn LaSure/OU=DC/O=USEPA/C=US@EPA[]; N=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA;CN=Allyn LaSure/OU=DC/O=USEPA/C=US@EPA[]; N=Seth Oster/OU=DC/O=USEPA/C=US@EPA;CN=Allyn LaSure/OU=DC/O=USEPA/C=US@EPA[]; N=Allyn LaSure/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=David McIntosh/OU=DC/O=USEPA/C=US  
**Sent:** Wed 10/21/2009 3:03:00 PM  
**Subject:** updated topline energy/climate messaging

**Deliberative**

Clean Energy and Climate General TOP LINE

President Obama is committed to passing comprehensive energy and climate legislation that will put America back in control of our energy future and make us more energy independent. The President is calling for a bill that will jumpstart the American Clean Energy sector, create millions of new jobs, and secure clean energy sources that are made in America and work for America.

America should be leading the world in clean energy; instead we're falling behind in the race for jobs and technology that will drive global markets for generations. China is spending \$12.6 billion every hour on clean energy investments. We rank below Spain, Denmark, and Portugal in the use of wind power. Only six of the top 30 wind, solar, and advanced battery technologies are American. Rather than sending billions of dollars overseas to pay for these technologies we will eventually need, we can start investing these dollars here in American jobs, businesses and innovation today.

America's dependence on foreign oil hurts our economy, helps our enemies and puts our security at risk. Developing home grown solar power, wind energy and bio-fuels creates clean energy jobs and is also an important element in strengthening our economic and national security. We must also make investments in clean coal, nuclear and the responsible domestic production of oil and gas so that we use all of our available resources as we transition to a clean energy economy.

We must act to make clean energy the profitable kind of energy and protect our environment by cracking down on corporations that have fought energy reform for decades to protect their profits. Big oil companies, lobbyists and special interests have kept us dependent on foreign oil and protected corporations that pollute our rivers and streams, the water we drink and the air we breathe.

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=Aaron Dickerson/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Eric Wachter/OU=DC/O=USEPA/C=US  
**Sent:** Wed 10/21/2009 9:49:04 PM  
**Subject:** Fw: JPA - Climate Change Practice Leader - Please review  
[Hotspot](#)  
[paul@jpamri.com](mailto:paul@jpamri.com)  
[www.jpamri.com](http://www.jpamri.com)  
<http://www.linkedin.com/in/paulpalazzolo>

Know anyone?

----- Forwarded by Eric Wachter/DC/USEPA/US on 10/21/2009 05:48 PM -----

Date 10/21/2009 12:08 PM  
From "Paul Palazzolo" <paul@jpamri.com>  
To LisaP Jackson/DC/USEPA/US@EPA  
cc  
Subject JPA - Climate Change Practice Leader - Please review

Lisa,

We hope all is well with you these days. We are executing a search for a Climate Change Practice Leader in the Washington D.C. area for a very good client company with locations throughout the U.S. and internationally.

Please take a look at this position, it may be attractive to you or someone you know, and we would appreciate any help you can provide.

If this position isn't for you, perhaps a friend, colleague or someone your current firm has not been able to help might benefit from the opportunity to discuss the details with us.

Any recommendations for networking will remain in strict confidence if requested.

Thank you in advance, for your time and attention to the below position.

Position Title: Practice Leader - Principal - VP - Climate Change Practice

Location: Washington, DC area

Salary Range: \$130 - 190K commensurate with experience - bonus package

Company Description: Our client is seeking to hire a leader with key responsibilities for developing and growing an important climate change practice. This new position will benefit from our client's in-house expertise, excellent reputation, and strong experience in environmental policy. This includes long term service of working with the U.S. Environmental Protection Agency, other federal clients, and NGOs on the frontier of environmental issues.

Air quality has long been an area where they have serviced these clients and analyzed the physical effects and financial benefits associated with policies. They have helped to reduce greenhouse gas emissions and assess the environmental consequences of using alternative fuels. They have developed a new analytical structure for estimating carbon emissions by sector and state. In order to achieve this we are looking for a business development, technical and management leader to drive this growth.

Our client's scope of services includes working with federal and state environmental and resource management agencies to address complex policy, management, and regulatory challenges. Services include economic analysis, risk assessments, environmental modeling, regulatory and voluntary program support, and information technology.

Job Description: The incumbent in this position will:

- Grow, manage and deliver services in the Climate Change Practice.
- Coordinate business development activities with other departments and perform tasks to expand climate change practice.
- Manage staff, operational costs and quality to maintain and enhance profitability.
- Superior Greenhouse Gas technical expertise to design projects and to stay abreast of advances in technology.
- Coordinate contracts, climate policy, new developments of GHG programs and business development plans.
- Serve as the "face" of the practice at national and international conferences.

Requirements: Proven business development expertise, with a minimum of 10+ years experience in the Air Quality / Climate Change arena. MA / MBA / PhD with ability to win contracts / grants and superior quality projects. Excellent reputation in the climate change and air quality arenas.

Sincerely,

Paul Palazzolo  
Senior Managing Partner  
Jonathan Paul Associates, Inc. (JPA)  
One of the nation's leading Environmental Search Firms

Direct: (Toll Free) 866.712.1810  
paul@jpamri.com  
www.jpamri.com  
<http://www.linkedin.com/in/paulpalazzolo>  
P

Please consider the environment before printing my e-mail

MRINetwork  
EXPERTS IN GLOBAL SEARCH

OEX Processing Information  
Processed Date:  
Processed By  
PO Office            Category:

Message Count



**To:** "Windsor, Richard" [Windsor.richard@epa.gov]  
**From:** CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US  
**Sent:** Thur 10/22/2009 1:38:21 AM  
**Subject:** Fw: Remarks by the President at Corzine for Governor rally  
[mime.htm](#)

MABL.  
-----

M. Allyn Brooks-LaSure  
Office of the Administrator  
U.S. Environmental Protection Agency  
Cell: Personal Privacy

From: "White House Press Office" [whitehouse-lists-noreply@list.whitehouse.gov]  
Sent: 10/21/2009 08:50 PM AST  
To: Allyn Brooks-LaSure  
Subject: Remarks by the President at Corzine for Governor rally

THE WHITE HOUSE

Office of the Press Secretary

---

For Immediate Release                      October 21, 2009

REMARKS BY THE PRESIDENT

AT CORZINE FOR GOVERNOR RALLY

Fairleigh Dickinson University

Hackensack, New Jersey



6:17 P.M. EDT

THE PRESIDENT: Hello, New Jersey! (Applause.) It's good to be back in the Garden State! (Applause.)

AUDIENCE: Obama! Obama! Obama! Obama! Obama!

THE PRESIDENT: Thank you. Thank you. It's good to be here. I want to make some quick thank-yous here. First of all, to the president of this outstanding university, Dr. Michael Adams. (Applause.) To my dear friend, Caroline Kennedy. (Applause.) To our lieutenant governor candidate, State Senator Loretta Weinberg. (Applause.) My dear friend, Frank Lautenberg, senator from New Jersey. (Applause.) Two outstanding congressmen who supported me early in my race for the presidency, Steve Rothman and John Adler. Give them a big round of applause. (Applause.) One of the finest mayors not just in New Jersey, but in the country, Cory Booker is in the house. (Applause.) To all the other elected officials, to all the labor leaders and religious leaders that are in the house, and to all of you who are just -- just leaders, period. (Applause.)

I am so proud to be here on behalf of a man who is absolutely committed to fighting for New Jersey's families and New Jersey's future, your governor, my friend, Jon Corzine. (Applause.)

Now, I think it's important for us to have an honest conversation here. Let's examine the facts. Let's examine the facts. Jon is running for reelection during a challenging time for New Jersey and for America. I don't have to tell you that. You see it in your own lives. You've seen it in your own communities. There are too many folks who are out of work and too many people who are looking for a job. There are too many hardworking families being squeezed by skyrocketing costs on the one side and shrinking wages on the other. You got men and women who've worked hard all their lives -- who've done the right thing all their lives -- and now they're worried they won't be able to be the kinds of husbands and wives, mothers and fathers, they'd hoped to be because of economic factors beyond their control. Seniors worried about whether they can stay on retirement. Young people worried about whether they're going to be able to afford a college education.

So I know these are challenging times, and Jon knows these are challenging times. I know folks are hurting. But I also know this: For the past four years, you've had an honorable man at the helm of this state during one of the most difficult periods in its history. You've had a leader who's put the interests of hardworking New Jersey families ahead of the special interests. You've had a leader who's fought for what matters most to the people of New Jersey. That's the kind of Jon -- the kind of governor that Jon Corzine has been. That's the kind of governor that Jon Corzine will continue to be. And that's why New Jersey needs to give Jon Corzine another four years. (Applause.)

Let's look at the record. Let's look at the record. Let's look at the record, because I know there's a tendency for politicians to distort their opponents' records in the heat of a campaign, so let's just review some history. This is a

governor who's provided more property tax relief than any governor in New Jersey's history. (Applause.) This is the first governor in 60 years who's reduced the size of government. (Applause.)

But at the same time, this is also a leader who's stood up against those who want to cut what matters, like education. Jon Corzine expanded early childhood education for more than 5,000 children because he understood that pre-K isn't "babysitting" -- it's the cornerstone of a world-class education. (Applause.) Under Jon's leadership, the Children's Health Insurance Program expanded by nearly 100,000 kids in this state. Think about it. Kids who didn't have care now have it. New Jersey is now a leader in clean energy. And working families can spend time with a newborn baby or a sick loved one because of paid sick leave that has been signed into law by Jon Corzine. (Applause.)

When it comes to the issues that matter most to folks -- job creation and economic growth -- Jon's been a true leader -- first governor in this country to pass a recovery plan to get this economy moving in his state.

Now, listening to Jon's opponent, you'd think that New Jersey was the only state in America that's been swept up in the worst economic crisis since the Great Depression, which by the way did not start under Jon Corzine's party's watch. (Applause.) There seems to be some selective memory here about how we got into this fix. (Applause.) Listening to his opponent, you'd think New Jersey was the only state in America that's been facing layoffs. You'd think New Jersey was the only state in America where hardworking men and women are worried about their family's futures. I don't need to tell you, you know the truth. (Applause.)

It's not just Teaneck that's been going through tough times. It's not New Jersey that's been going through tough times. Americans in every corner of this country have been going through tough times. And let's be honest: This crisis came about because of the same sorts of lax regulation and trickle-down economic theory that the other guy's party has been peddling for years. (Applause.) I'm telling you, these folks, they got a lot of nerve. They leave this big mess and suddenly they're complaining about how fast we're cleaning it up. (Applause.)

And I'll tell you what we don't need to do right now. We don't need politicians who are more interested in scoring points than solving problems. We don't need politicians who are offering the same answers that got us into this mess in the first place. We don't need politicians who'd rather sit on the sidelines and point fingers than offer any answers, any real solutions.

We've had enough of those kinds of politicians in Trenton and in Washington. We don't need any more. What we need are leaders that are committed to moving this country forward, moving this state forward. That's the kind of leader Jon Corzine is. That's why he deserves another four years. (Applause.)

AUDIENCE: Four more years! Four more years! Four more years! Four more years! Four more years!

THE PRESIDENT: Four more years. Now, let me say something about Jon the man, because we served together in the United States Senate and I learned what kind of man he is. I learned about his service as a United States Marine.

AUDIENCE MEMBER: Semper Fi!

THE PRESIDENT: Semper Fi.

AUDIENCE MEMBER: Hoo-ah!

THE PRESIDENT: I learned about how he was born into a middle-class family, how he worked his way up, how he's committed to giving every American the same opportunities he had. Jon Corzine was one of the best colleagues I had in the Senate and he's one of the best partners I have in the White House. (Applause.)

Jon and I worked -- Jon and I worked together to enact a Recovery Act that's making a meaningful difference for families in New Jersey and across America. I want you to understand this. Because of the Recovery Act, we've prevented the police officers and firefighters Americans rely on from being laid off across this state and across this country. (Applause.) We've put a middle-class tax cut into the pockets of 95 percent of hardworking families -- that includes 3 million hardworking New Jersey families. (Applause.) We increased and extended unemployment insurance for 12 million Americans to help them weather this economic storm, including 600,000 men and women in this state. We made COBRA 65 percent cheaper so if you've lost your job, you've still got your health care while you're looking for a new one. (Applause.) We invested more than \$12,000 in scholarships for disadvantaged students right here -- right here at this university -- while keeping teachers in the classroom and improving schools all across this state.

And the Recovery Act didn't just include the most progressive tax cuts in American history. It didn't just include emergency relief for families that needed them or for states that were seeing their tax revenues dwindle. The Recovery Act was also the largest investment in education in American history. It was the largest investment in clean energy in American history. It was the largest investment in our nation's infrastructure since Eisenhower built the Interway Highway System back in the 1950s -- rebuilding our roads and our bridges and our crumbling infrastructure. (Applause.) That's what we've been fighting for -- cleaning up the mess we found. (Applause.)

The reason I'm here today, the reason Jon Corzine is here today, the reason you are here today, is because you know our work is far from over. You know we still have big challenges ahead in New Jersey and across America. We are not going to rest until we solve them. We're not going to rest until anyone who's looking for a job can find a job -- and a job that pays a living wage. We're not going to rest until our markets are -- not just are markets are rising again, but our businesses are hiring again. We're not going to rest until the American dream is within reach for anybody who's willing to believe in it and work for it and fight for it.

And overcoming enormous challenges is not going to be easy. It's not going to happen overnight. But here's what I can say with absolute certainty. The difficult work of building a better future -- it has begun. It's beginning right here in New Jersey. It's begun in Washington. It's begun across America. We've begun to build a clean energy economy that is going to free our nation from the grips of foreign oil and generate green jobs in the process, putting people back to work in jobs that can't be outsourced. We've begun to put better standards into our schools, make college and advanced training more affordable, and prepare every child in America to succeed in the 21st century economy.

We've begun the work of reforming America's health care system. You know why it -- why that's so important. Premiums have risen almost 90 percent here in New Jersey over the last decade, and that pace is only going to continue if we fail to act.

AUDIENCE MEMBER: We love you, Obama!

THE PRESIDENT: I love you back, but I'm making an important point right now. (Applause.) We know -- but listen up -- we know that millions of people in this country have been denied coverage because of a preexisting condition. We know that more and more companies are dropping coverage. We know more and more families are having to do without insurance or they're struggling to pay out-of-pocket costs.

Now, Jon Corzine has begun to move New Jersey past this status quo, expanding coverage for nearly 150,000 people last year. And we're close to moving America past the status quo, closer to passing serious health insurance reform than at any time in our generation -- giving coverage to people who don't have it; giving stability to people who do have it; controlling skyrocketing health care costs that are crushing our families and our businesses and our state and federal budgets.

So that's what we're fighting for: Quality, affordable insurance; a world-class education; a stronger economy that doesn't just work for some folks, but everybody. (Applause.) That's what matters to Jon Corzine. That's what he's fighting for as governor. (Applause.) That's what he'll continue fighting for if the people of New Jersey give him that chance.

So let me just -- let me just be clear. I know there are folks here who may be cynical about politics. Certainly there are folks watching who might be cynical about politics. I know that folks are skeptical about whether their elected leaders can or will do anything about the problems they face. And you've got a right to be cynical. Year after year, decade after decade, you've seen progress stymied, partisan gridlock, whether it's in your state capitols or your nation's capitol.

But here's the thing. New Jersey now has a governor who's bucking that trend, who's refusing to go along with business as usual. He's telling the truth about the challenges you face and he's making every effort to meet them. And I'm here today to urge you to cast aside the cynics and the skeptics, and prove to all Americans that leaders who do what's right and who do what's hard will be rewarded and not rejected. (Applause.)

That's what so much of this campaign comes down to. It's a matter of trust. You know, I have traveled all across the country and I've traveled all across New Jersey. And everywhere I go, people's expectations are pretty modest. They don't want government to solve all their problems. They know they've got to work hard. They've got to meet their responsibilities, their commitments. All they're looking for is a shot. They just want an opportunity. They just want to be able to find a job that pays a living wage. They want to be able to send their kids to college so they can have a better life than they did. They want to make sure they're not bankrupt when they get sick. They want to be able to retire with some dignity and some respect.

And the thing is, what they want from their political leaders -- I think -- this is I hope what you want -- is not somebody who's slick; is not somebody who, you know, always look well-groomed. I mean, Jon's hair kind of goes frizzy sometimes and, you know, his beard gets a little, you know, straggly sometimes. It's not somebody who's going to pretend that everything is okay; is going to spend all his time blaming other people.

I hope what you want is somebody who's going to be straight with you, somebody who's got your interests at heart, and who's going to be out there every single day working for you because he cares about public service and he understands that if it hadn't been for some folks fighting for him, nobody -- he would have never gotten to where he got to. Right? (Applause.)

So I want everybody who's watching to understand. Jon Corzine is a serious man and he is serious about solving the problems of New Jersey. And we are coming down to the home stretch in this election. There's not a lot of time left. And in the days ahead, Jon is going to be talking to a lot of voters. He's going to be making a lot of speeches. He's going to be visiting a lot of towns and cities. But ultimately, the outcome of this race is not up to Jon -- it's up to you. It's up to you. It's up to everybody who cares about this state, everybody who wants to build a better life for themselves and for their children.

And we are at one of those rare moments in history where we've been given the opportunity to change our country for the better. But it's never easy, and it never starts in Washington. It starts with you. When you elected me as President, just remember, nobody gave me a chance. We never promised it was going to be easy. But the excitement and the hope and the energy -- that came out of your belief that that gap between what is and what's possible, that gap can be closed if everybody pulls together, if everybody's serious, if everybody is committed. We need that same kind of energy, excitement, commitment around this campaign. (Applause.)

And if you do that -- if you do that, I guarantee you're going to have Jon Corzine as governor. And so I'm going to close with a story that some of you may have heard. I'm going to close with a story that some of you may have heard, because I want you to go out there and start knocking on some doors and making some phone calls. (Applause.)

I heard somebody out here saying "fired up." (Applause.) I don't know if you guys remember where that story "fired up" comes from. Jon Corzine remembers. But I love this story, so I like telling it. It started very early in my campaign when you guys couldn't pronounce my name. (Laughter.) No, you couldn't. (Laughter.) You said, who? He's running for what?

So back early in that campaign, I went down to South Carolina, an early state. And I went to a legislative dinner; I had been invited to speak. It was very early and I needed some endorsements, so I'm sitting next to this state legislator. I said, ma'am, I'd like you to endorse my candidacy for President. She looked at me, she said, Obama, I will give you my endorsement if you come to my hometown of Greenwood, South Carolina. And I -- I must have had a glass of wine because right away I just said, okay. (Laughter.) You got a date.

Come to find out, Greenwood is an hour and a half from every place else. (Laughter.) So about a month later, I come in, I arrive about midnight. I'm exhausted. I've been campaigning in Iowa, New Hampshire, nonstop, haven't seen my family, I'm feeling grumpy. I get to the hotel, I want to hit the bed.

Suddenly I get a tap on the shoulder. It's my staff person saying, Senator -- I was Senator back then -- Senator, we need you in the car at 6:30 a.m. tomorrow morning. I said, what? (Laughter.) Six-thirty. I said, why? Said, because you got to go to Greenwood like you promised.

So the next morning I wake up and I feel terrible. I'm exhausted. And I go to the window, I open it up -- it's pouring down rain outside. I go get some coffee, I open up the newspaper -- there's a bad story about me in The New York Times. Jon, you know what that's like. (Laughter.)

I go downstairs, my umbrella blows open, I get poured on, I'm soaked. So by the time we're driving, I'm soaked, I'm tired, I'm sleepy, I'm mad, and we're driving and driving and it takes forever. Finally we get to Greenwood, an hour and a half later -- although you don't know you're in Greenwood right away because not a lot of buildings there. (Laughter.) We pull alongside the little park, a little field house. We go inside. Lo and behold, there are only 20 people there -- 20 people. (Laughter.)

So I'm a professional, I've got a job to do. I shake hands with everybody. "How do you do? What do you do? Nice to meet you." And suddenly out of the blue I hear this person shout out, "Fired up?" And everybody in the room acts like this is normal. (Laughter.) They say, "Fired up!" Then I hear, "Ready to go?" And everybody in the room suddenly says, "Ready to go!"

I don't know what's going on. I look back -- there's a little lady, little women. She can't be more than 5'2", 5'3", about middle-aged. She's dressed like she just came from church, got a big church hat. And she smiles at me and

she points at me and she says, "Fired up?" Turns out this woman is a city councilwoman from Greenwood who is famous for her chants. She also, by the way, I find out later, moonlights as a private detective. (Laughter.) It's a true story.

But wherever she goes, she always likes to chant. And so for the next it seemed like five minutes, she would just say, "Fired up?" And everybody would say, "Fired up!" "Ready to go?" "Ready to go!" And I realized very quickly that I'm being upstaged by this person. (Laughter.) It's irritating me a little bit. (Laughter.) I'm looking at my staff, they're shrugging their shoulders, they don't know.

But here's the thing, New Jersey. After about a minute, I suddenly start feeling like I'm fired up. (Applause.) I feel like I'm kind of ready to go. (Applause.) So I start joining in the chant. And for the rest of the day whenever I'd see my staff, I'd say, are you fired up? They'd say, I'm fired up. You ready to go? I'm ready to go, boss. And this becomes the mantra of our campaign, everywhere we go.

AUDIENCE MEMBER: Fired up!

THE PRESIDENT: Fired up! (Applause.)

Here's the moral of this story. One voice can change a room. (Applause.) And if one voice can change a room, it can change a city. And if it can change a city, it can change a state. If it can change a state, it can change a nation. Change a nation, it can change the world. It can change in New Jersey right here. Your voice can change this election. Don't give up. Don't lose heart. Don't get impatient. Support the guy who's fighting for you. Your voice can change the world. Your voice can elect Jon Corzine, governor once again of New Jersey. I need you. Jon needs you. Getting health care done depends on you. Getting energy done depends on you. Improving our schools depends on you.

So I've just got one question for you. Are you fired up?

AUDIENCE: Fired up!

THE PRESIDENT: Are you ready to go?

AUDIENCE: Ready to go!

THE PRESIDENT: Are you fired up?

AUDIENCE: Fired up!

THE PRESIDENT: Are you ready to go?

AUDIENCE: Ready to go!

THE PRESIDENT: Are you fired up?

AUDIENCE: Fired up!

THE PRESIDENT: Are you ready to go?

AUDIENCE: Ready to go!

THE PRESIDENT: Let's get Jon Corzine reelected. God bless you. God bless the United States of America.  
(Applause.)

END            6:44 P.M. EDT



MABL.

-----

M. Allyn Brooks-LaSure  
Office of the Administrator  
U.S. Environmental Protection Agency  
Cell: Personal Privacy

---

**From:** "White House Press Office" [whitehouse-lists-noreply@list.whitehouse.gov]

**Sent:** 10/21/2009 08:50 PM AST

**To:** Allyn Brooks-LaSure

**Subject:** Remarks by the President at Corzine for Governor rally

THE WHITE HOUSE

Office of the Press Secretary

---

For Immediate Release

October 21, 2009

REMARKS BY THE PRESIDENT  
AT CORZINE FOR GOVERNOR RALLY

Fairleigh Dickinson University

Hackensack, New Jersey

6:17 P.M. EDT

THE PRESIDENT: Hello, New Jersey! (Applause.) It's good to be back in the Garden State! (Applause.)

AUDIENCE: Obama! Obama! Obama! Obama! Obama!

THE PRESIDENT: Thank you. Thank you. It's good to be here. I want to make some quick thank-yous here. First of all, to the president of this outstanding university, Dr. Michael Adams. (Applause.) To my dear friend, Caroline Kennedy. (Applause.) To our lieutenant governor candidate, State Senator Loretta Weinberg. (Applause.) My dear friend, Frank Lautenberg, senator from New Jersey. (Applause.) Two outstanding congressmen who supported me early in my race for the presidency, Steve Rothman and John Adler. Give them a big round of applause. (Applause.) One of the finest mayors not just in New Jersey, but in the country, Cory Booker is in the house. (Applause.) To all the other elected officials, to all the labor leaders and religious leaders that are in the house, and to all of you who are just -- just leaders, period. (Applause.)

I am so proud to be here on behalf of a man who is absolutely committed to fighting for New Jersey's families and New Jersey's future, your governor, my friend, Jon Corzine. (Applause.)

Now, I think it's important for us to have an honest conversation here. Let's examine the facts. Let's examine the facts. Jon is running for reelection during a challenging time for New Jersey and for America. I don't have to tell you that. You see it in your own lives. You've seen it in your own communities. There are too many folks who are out of work and too many people who are looking for a job. There are too many hardworking families being squeezed by skyrocketing costs on the one side and shrinking wages on the other. You got men and women who've worked hard all their lives -- who've done the right thing all their lives -- and now they're worried they won't be able to be the kinds of husbands and wives, mothers and fathers, they'd hoped to be because of economic factors beyond their control. Seniors worried about whether they can stay on retirement. Young people worried about whether they're going to be able to afford a college education.

So I know these are challenging times, and Jon knows these are challenging times. I know folks are hurting. But I also know this: For the past four years, you've had an honorable man at the helm of this state during one of the most difficult periods in its history. You've had a leader who's put the interests of hardworking New Jersey families ahead of the special interests. You've had a leader who's fought for what matters most to the people of New Jersey. That's the

kind of Jon -- the kind of governor that Jon Corzine has been. That's the kind of governor that Jon Corzine will continue to be. And that's why New Jersey needs to give Jon Corzine another four years. (Applause.)

Let's look at the record. Let's look at the record. Let's look at the record, because I know there's a tendency for politicians to distort their opponents' records in the heat of a campaign, so let's just review some history. This is a governor who's provided more property tax relief than any governor in New Jersey's history. (Applause.) This is the first governor in 60 years who's reduced the size of government. (Applause.)

But at the same time, this is also a leader who's stood up against those who want to cut what matters, like education. Jon Corzine expanded early childhood education for more than 5,000 children because he understood that pre-K isn't "babysitting" -- it's the cornerstone of a world-class education. (Applause.) Under Jon's leadership, the Children's Health Insurance Program expanded by nearly 100,000 kids in this state. Think about it. Kids who didn't have care now have it. New Jersey is now a leader in clean energy. And working families can spend time with a newborn baby or a sick loved one because of paid sick leave that has been signed into law by Jon Corzine. (Applause.)

When it comes to the issues that matter most to folks -- job creation and economic growth -- Jon's been a true leader -- first governor in this country to pass a recovery plan to get this economy moving in his state.

Now, listening to Jon's opponent, you'd think that New Jersey was the only state in America that's been swept up in the worst economic crisis since the Great Depression, which by the way did not start under Jon Corzine's party's watch. (Applause.) There seems to be some selective memory here about how we got into this fix. (Applause.) Listening to his opponent, you'd think New Jersey was the only state in America that's been facing layoffs. You'd think New Jersey was the only state in America where hardworking men and women are worried about their family's futures. I don't need to tell you, you know the truth. (Applause.)

It's not just Teaneck that's been going through tough times. It's not New Jersey that's been going through tough times. Americans in every corner of this country have been going through tough times. And let's be honest: This crisis came about because of the same sorts of lax regulation and trickle-down economic theory that the other guy's party has been peddling for years. (Applause.) I'm telling you, these folks, they got a lot of nerve. They leave this big mess and

suddenly they're complaining about how fast we're cleaning it up. (Applause.)

And I'll tell you what we don't need to do right now. We don't need politicians who are more interested in scoring points than solving problems. We don't need politicians who are offering the same answers that got us into this mess in the first place. We don't need politicians who'd rather sit on the sidelines and point fingers than offer any answers, any real solutions.

We've had enough of those kinds of politicians in Trenton and in Washington. We don't need any more. What we need are leaders that are committed to moving this country forward, moving this state forward. That's the kind of leader Jon Corzine is. That's why he deserves another four years. (Applause.)

AUDIENCE: Four more years! Four more years! Four more years! Four more years! Four more years!

THE PRESIDENT: Four more years. Now, let me say something about Jon the man, because we served together in the United States Senate and I learned what kind of man he is. I learned about his service as a United States Marine.

AUDIENCE MEMBER: Semper Fi!

THE PRESIDENT: Semper Fi.

AUDIENCE MEMBER: Hoo-ah!

THE PRESIDENT: I learned about how he was born into a middle-class family, how he worked his way up, how he's committed to giving every American the same opportunities he had. Jon Corzine was one of the best colleagues I had in the Senate and he's one of the best partners I have in the White House. (Applause.)

Jon and I worked -- Jon and I worked together to enact a Recovery Act that's making a meaningful difference for families in New Jersey and across America. I want you to understand this. Because of the Recovery Act, we've prevented the police officers and firefighters Americans rely on from being laid off across this state and across this country. (Applause.) We've put a middle-class tax cut into the pockets of 95 percent of hardworking families -- that includes 3 million hardworking New Jersey families. (Applause.) We increased and extended unemployment insurance for 12 million Americans to help them weather this economic storm, including 600,000 men and women in this state. We made COBRA 65 percent cheaper so if you've lost your job, you've still got your health care while you're looking for a new one. (Applause.) We invested more than \$12,000 in scholarships for disadvantaged students right here -- right here at this university -- while keeping teachers in the classroom and improving schools all across this state.

And the Recovery Act didn't just include the most progressive tax cuts in American history. It didn't just include emergency relief for families that needed them or for states that were seeing their tax revenues dwindle. The Recovery Act was also the largest investment in education in American history. It was the largest investment in clean energy in American history. It was the largest investment in our nation's infrastructure since Eisenhower built the Interway Highway System back in the 1950s -- rebuilding our roads and our bridges and our crumbling infrastructure. (Applause.) That's what we've been fighting for -- cleaning up the mess we found. (Applause.)

The reason I'm here today, the reason Jon Corzine is here today, the reason you are here today, is because you know our work is far from over. You know we still have big challenges ahead in New Jersey and across America. We are not going to rest until we solve them. We're not going to rest until anyone who's looking for a job can find a job -- and a job that pays a living wage. We're not going to rest until our markets are -- not just are markets are rising again, but our businesses are hiring again. We're not going to rest until the American dream is within reach for anybody who's willing to believe in it and work for it and fight for it.

And overcoming enormous challenges is not going to be easy. It's not going to happen overnight. But here's what I can say with absolute certainty. The difficult work of building a better future -- it has begun. It's beginning right here in New Jersey. It's begun in Washington. It's begun across America. We've begun to build a clean energy economy that is going to free our nation from the grips of foreign oil and generate green jobs in the process, putting people back to work in jobs that can't be outsourced. We've begun to put better standards into our schools, make college and advanced training

more affordable, and prepare every child in America to succeed in the 21st century economy.

We've begun the work of reforming America's health care system. You know why it -- why that's so important. Premiums have risen almost 90 percent here in New Jersey over the last decade, and that pace is only going to continue if we fail to act.

AUDIENCE MEMBER: We love you, Obama!

THE PRESIDENT: I love you back, but I'm making an important point right now. (Applause.) We know -- but listen up -- we know that millions of people in this country have been denied coverage because of a preexisting condition. We know that more and more companies are dropping coverage. We know more and more families are having to do without insurance or they're struggling to pay out-of-pocket costs.

Now, Jon Corzine has begun to move New Jersey past this status quo, expanding coverage for nearly 150,000 people last year. And we're close to moving America past the status quo, closer to passing serious health insurance reform than at any time in our generation -- giving coverage to people who don't have it; giving stability to people who do have it; controlling skyrocketing health care costs that are crushing our families and our businesses and our state and federal budgets.

So that's what we're fighting for: Quality, affordable insurance; a world-class education; a stronger economy that doesn't just work for some folks, but everybody. (Applause.) That's what matters to Jon Corzine. That's what he's fighting for as governor. (Applause.) That's what he'll continue fighting for if the people of New Jersey give him that chance.

So let me just -- let me just be clear. I know there are folks here who may be cynical about politics. Certainly there are folks watching who might be cynical about politics. I know that folks are skeptical about whether their elected leaders can or will do anything about the problems they face. And you've got a right to be cynical. Year after year, decade after decade, you've seen progress stymied, partisan gridlock, whether it's in your state capitols or your nation's capitol.

But here's the thing. New Jersey now has a governor who's bucking that trend, who's refusing to go along with business as usual. He's telling the truth about the challenges you face and he's making every effort to meet them. And I'm here today to urge you to cast aside the cynics and the skeptics, and prove to all Americans that leaders who do what's right and who do what's hard will be rewarded and not rejected. (Applause.)

That's what so much of this campaign comes down to. It's a matter of trust. You know, I have traveled all across the country and I've traveled all across New Jersey. And everywhere I go, people's expectations are pretty modest. They don't want government to solve all their problems. They know they've got to work hard. They've got to meet their responsibilities, their commitments. All they're looking for is a shot. They just want an opportunity. They just want to be able to find a job that pays a living wage. They want to be able to send their kids to college so they can have a better life than they did. They want to make sure they're not bankrupt when they get sick. They want to be able to retire with some dignity and some respect.

And the thing is, what they want from their political leaders -- I think -- this is I hope what you want -- is not somebody who's slick; is not somebody who, you know, always look well-groomed. I mean, Jon's hair kind of goes frizzy sometimes and, you know, his beard gets a little, you know, straggly sometimes. It's not somebody who's going to pretend that everything is okay; is going to spend all his time blaming other people.

I hope what you want is somebody who's going to be straight with you, somebody who's got your interests at heart, and who's going to be out there every single day working for you because he cares about public service and he understands that if it hadn't been for some folks fighting for him, nobody -- he would have never gotten to where he got to. Right? (Applause.)

So I want everybody who's watching to understand. Jon Corzine is a serious man and he is serious about solving the problems of New Jersey. And we are coming down to the home stretch in this election. There's not a lot of time left. And in the days ahead, Jon is going to be talking to a lot of voters. He's going to be making a lot of speeches. He's going to be visiting a lot of towns and cities. But ultimately, the outcome of this race is not up to Jon -- it's up to you. It's up to you. It's up to everybody who cares about this state, everybody who wants to build a better life for themselves and for their children.

And we are at one of those rare moments in history where we've been given the opportunity to change our country for the better. But it's never easy, and it never starts in Washington. It starts with you. When you elected me as President, just remember, nobody gave me a chance. We never promised it was going to be easy. But the excitement and the hope and the energy -- that came out of your belief that that gap between what is and what's possible, that gap can be closed if everybody pulls together, if everybody's serious, if everybody is committed. We need that same kind of energy, excitement, commitment around this campaign. (Applause.)

And if you do that -- if you do that, I guarantee you're going to have Jon Corzine as governor. And so I'm going to close with a story that some of you may have heard. I'm going to close with a story that some of you may have heard, because I want you to go out there and start knocking on some doors and making some phone calls. (Applause.)

I heard somebody out here saying "fired up." (Applause.) I don't know if you guys remember where that story "fired up" comes from. Jon Corzine remembers. But I love this story, so I like telling it. It started very early in my campaign when you guys couldn't pronounce my name. (Laughter.) No, you couldn't. (Laughter.) You said, who? He's running for what?

So back early in that campaign, I went down to South Carolina, an early state. And I went to a legislative dinner; I had been invited to speak. It was very early and I needed some endorsements, so I'm sitting next to this state legislator. I said, ma'am, I'd like you to endorse my candidacy for President. She looked at me, she said, Obama, I will give you my endorsement if you come to my hometown of Greenwood, South Carolina. And I -- I must have had a glass of wine because right away I just said, okay. (Laughter.) You got a date.

Come to find out, Greenwood is an hour and a half from every place else. (Laughter.) So about a month later, I come in, I arrive about midnight. I'm exhausted. I've been campaigning in Iowa, New Hampshire, nonstop, haven't seen my family, I'm feeling grumpy. I get to the hotel, I want to hit the bed.

Suddenly I get a tap on the shoulder. It's my staff person saying, Senator -- I was Senator back then -- Senator, we need you in the car at 6:30 a.m. tomorrow morning. I said, what? (Laughter.) Six-thirty. I said, why? Said, because you got to go to Greenwood like you promised.



So the next morning I wake up and I feel terrible. I'm exhausted. And I go to the window, I open it up -- it's pouring down rain outside. I go get some coffee, I open up the newspaper -- there's a bad story about me in The New York Times. Jon, you know what that's like. (Laughter.)

I go downstairs, my umbrella blows open, I get poured on, I'm soaked. So by the time we're driving, I'm soaked, I'm tired, I'm sleepy, I'm mad, and we're driving and driving and it takes forever. Finally we get to Greenwood, an hour and a half later -- although you don't know you're in Greenwood right away because not a lot of buildings there. (Laughter.) We pull alongside the little park, a little field house. We go inside. Lo and behold, there are only 20 people there -- 20 people. (Laughter.)

So I'm a professional, I've got a job to do. I shake hands with everybody. "How do you do? What do you do? Nice to meet you." And suddenly out of the blue I hear this person shout out, "Fired up?" And everybody in the room acts like this is normal. (Laughter.) They say, "Fired up!" Then I hear, "Ready to go?" And everybody in the room suddenly says, "Ready to go!"

I don't know what's going on. I look back -- there's a little lady, little women. She can't be more than 5'2", 5'3", about middle-aged. She's dressed like she just came from church, got a big church hat. And she smiles at me and she points at me and she says, "Fired up?" Turns out this woman is a city councilwoman from Greenwood who is famous for her chants. She also, by the way, I find out later, moonlights as a private detective. (Laughter.) It's a true story.

But wherever she goes, she always likes to chant. And so for the next it seemed like five minutes, she would just say, "Fired up?" And everybody would say, "Fired up!" "Ready to go?" "Ready to go!" And I realized very quickly that I'm being upstaged by this person. (Laughter.) It's irritating me a little bit. (Laughter.) I'm looking at my staff, they're shrugging their shoulders, they don't know.

But here's the thing, New Jersey. After about a minute, I suddenly start feeling like I'm fired up. (Applause.) I feel like I'm kind of ready to go. (Applause.) So I start joining in the chant. And for the rest of the day whenever I'd see my staff, I'd say, are you fired up? They'd say, I'm fired up. You ready to go? I'm ready to go, boss. And this becomes the mantra of our campaign, everywhere we go.

AUDIENCE MEMBER: Fired up!

THE PRESIDENT: Fired up! (Applause.)

Here's the moral of this story. One voice can change a room. (Applause.) And if one voice can change a room, it can change a city. And if it can change a city, it can change a state. If it can change a state, it can change a nation. Change a nation, it can change the world. It can change in New Jersey right here. Your voice can change this election. Don't give up. Don't lose heart. Don't get impatient. Support the guy who's fighting for you. Your voice can change the world. Your voice can elect Jon Corzine, governor once again of New Jersey. I need you. Jon needs you. Getting health care done depends on you. Getting energy done depends on you. Improving our schools depends on you.

So I've just got one question for you. Are you fired up?

AUDIENCE: Fired up!

THE PRESIDENT: Are you ready to go?

AUDIENCE: Ready to go!

THE PRESIDENT: Are you fired up?

AUDIENCE: Fired up!

THE PRESIDENT: Are you ready to go?

AUDIENCE: Ready to go!

THE PRESIDENT: Are you fired up?

AUDIENCE: Fired up!

THE PRESIDENT: Are you ready to go?

AUDIENCE: Ready to go!

THE PRESIDENT: Let's get Jon Corzine reelected. God bless you. God bless the United States of America. (Applause.)

END

6:44 P.M. EDT

**To:** "LPJ" [windsor.richard@epa.gov]  
**From:** CN=Sarah Dale/OU=DC/O=USEPA/C=US  
**Sent:** Thur 10/22/2009 5:07:16 AM  
**Subject:** Fw: 6:30 meeting with Ambassador Hume

Are you cool with this? The ambassador wants to go over the cable the state dept sends out and get your approval. This was the latest he was able to meet today (he has an event tonight at 7:15), and I figured you'd rather meet once the sun was down and pool time is over (and then you can shower/pack/change and go). Let me know--he can meet earlier if that's preferable.

----- Original Message -----

From: "Cenzer, Matthew A" [CenzerMA@state.gov]  
Sent: 10/22/2009 12:03 PM ZE7  
To: Sarah Dale  
Cc: "Bokhari, Saad S" <BokhariSS@state.gov>  
Subject: 6:30 meeting with Ambassador Hume

Sarah,

Unless we hear differently from you, we plan for the Ambassador to meet the Administrator tonight at 6:30. We suggest doing this in a meeting room next to the Club Lounge on the 22nd floor.

Regards,  
MC

---

Matthew A. Cenzer  
Political Section  
Embassy of the United States of America  
Jakarta, Indonesia  
Tel: (62-21) 3435-9705  
Fax: (62-21) 3435-9916  
HP: (62-811) 969-3571

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US  
**Sent:** Thur 10/22/2009 5:09:52 AM  
**Subject:** Re: 6:30 meeting with Ambassador Hume

Ok. We (I) will see the cable before they run it by you.

MABL.

-----  
M. Allyn Brooks-LaSure  
Office of the Administrator  
U.S. Environmental Protection Agency  
Cell: Personal Privacy

----- Original Message -----

From: Richard Windsor  
Sent: 10/22/2009 01:08 AM EDT  
To: "Allyn Brooks-LaSure" <Brooks-lasure.allyn@epa.gov>  
Subject: Fw: 6:30 meeting with Ambassador Hume

----- Original Message -----

From: Richard Windsor  
Sent: 10/22/2009 01:08 AM EDT  
To: Sarah Dale  
Subject: Re: 6:30 meeting with Ambassador Hume

K.

----- Original Message -----

From: Sarah Dale  
Sent: 10/22/2009 01:07 AM EDT  
To: "LPJ" <windsor.richard@epa.gov>  
Subject: Fw: 6:30 meeting with Ambassador Hume

Are you cool with this? The ambassador wants to go over the cable the state dept sends out and get your approval. This was the latest he was able to meet today (he has an event tonight at 7:15), and I figured you'd rather meet once the sun was down and pool time is over (and then you can shower/pack/change and go). Let me know--he can meet earlier if that's preferable.

----- Original Message -----

From: "Cenzer, Matthew A" [CenzerMA@state.gov]  
Sent: 10/22/2009 12:03 PM ZE7  
To: Sarah Dale  
Cc: "Bokhari, Saad S" <BokhariSS@state.gov>  
Subject: 6:30 meeting with Ambassador Hume

Sarah,

Unless we hear differently from you, we plan for the Ambassador to meet the Administrator tonight at 6:30. We suggest doing this in a meeting room next to the Club Lounge on the 22nd floor.

Regards,  
MC

---

Matthew A. Cenzer  
Political Section  
Embassy of the United States of America  
Jakarta, Indonesia  
Tel: (62-21) 3435-9705  
Fax: (62-21) 3435-9916  
HP: (62-811) 969-3571

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=David McIntosh/OU=DC/O=USEPA/C=US  
**Sent:** Thur 10/22/2009 11:14:20 AM  
**Subject:** Re: draft opening statement for your review

Hi Administrator. If I don't hear back from you in the next few hours, I'll assume that you're OK with me putting this draft October 27 opening statement text into the normal OMB-led inter-agency review.

----- Original Message -----

From: David McIntosh  
Sent: 10/21/2009 08:09 AM EDT  
To: Richard Windsor  
Cc: Diane Thompson  
Subject: draft opening statement for your review

Administrator: Attached and pasted below is the draft of your opening statement for next Tuesday's Senate EPW hearing on the Kerry-Boxer climate/energy bill. The draft has been reviewed by the relevant OAR staff, by OGC, and by Gina, Lisa H, and Seth. If it looks all right to you, I'll put it into OMB review tomorrow, for submission to the EPW Committee on Friday.

[attachment "Draft Oct 27 Administrator Jackson Opening Statement.doc" deleted by David McIntosh/DC/USEPA/US]  
Statement of Lisa P. Jackson  
Administrator, U.S. Environmental Protection Agency  
Hearing before the Senate Committee on Environment and Public Works  
October 27, 2009

Chairman Boxer, Ranking Minority Member Inhofe, and members of the Committee, thank you for inviting me to testify about the Clean Energy Jobs and American Power Act.

I last appeared before this Committee on July 7. Since then, this Administration has, under President Obama's leadership, taken unprecedented steps to decrease America's dependence on oil, put our nation in the lead of the 21st Century energy economy, and reduce the greenhouse-gas pollution that threatens our children and grandchildren.

On September 15, for example, Secretary LaHood and I jointly announced coordinated Department of Transportation and Environmental Protection Agency rulemakings to increase the fuel efficiency and reduce the greenhouse-gas emissions of cars and light-duty trucks sold from 2012 through 2016. The rules will reduce the lifetime oil consumption of those vehicles by 1.8 billion barrels. That will mean eliminating more than a billion barrels of imported oil, assuming the current ratio of domestic production to imports does not improve. At today's oil prices, we are talking about preventing 78 billion dollars from going abroad to buy oil from other countries. In the process, the rules will eliminate nearly a billion metric tons of greenhouse-gas pollution.

Each of my colleagues here can describe other steps that this Administration has already taken to make America's economy stronger by getting it running on clean energy.

Even as the President and the members of his Cabinet move forward under existing authority, we continue urging Congress to pass a new clean-energy law. Only new legislation can bring about the comprehensive and integrated changes that are needed to restore America's economic health and keep the nation secure over the long term.

This Committee held its July 7 hearing shortly after the House of Representatives passed the American Clean Energy and Security Act. So I took the opportunity to echo President Obama's request that the Senate demonstrate the same commitment that we had seen in the House to building a clean-energy foundation for a strong American economy.

The introduction of the Clean Energy Jobs and American Power Act on September 30 shows that the Senate is responding to the President's call to action. I commend you, Madame Chairman, and Senators Kerry and Kirk, for introducing that bill. I applaud the many other Senators, including members of this committee, who contributed meaningfully to the introduced legislation. And I thank Senator Graham for joining with Senator Kerry in a recent statement that reminds us all that giving America control over its own energy destiny can and should be a bi-partisan mission.

Earlier this year, EPA ran the major provisions of the House clean-energy legislation through several economic computer models. When it comes to the specifications that the models can detect, the Clean Energy Jobs and American Power Act is very similar to the House legislation. Nevertheless, EPA has examined the ways in which the Senate bill is different and determined which of the conclusions reached about the House-passed bill can confidently be said to apply to the Senate bill as well.

EPA delivered the result of that inquiry to the Committee last Friday, and the members can review the report in detail. But let me just state three of the projections about the House bill that EPA feels confident also apply to the Clean Energy Jobs and American Power Act.

First, the legislation would transform the American economy from one that is relatively energy inefficient and dependent on highly-polluting energy production to one that is highly energy efficient and powered by advanced, cleaner, and more domestically-sourced energy.

Second, the legislation would bring about that transformation at a cost of less than 50 cents per day per American household in 2020.

Third, the finding that regional cost differences would be small applies to the Senate bill just as it did to the House legislation.

Moreover, even if the cost borne by the average household in a particular state were double the national average, it still would be less than a dollar a day in 2020.

I do not think anyone can honestly say that the head of an American household would not be willing to spend fifty cents a day – or even a dollar a day – to safeguard the wellbeing of his or her children, reduce the amount of money that we send abroad for oil, place American entrepreneurs back in the lead of the global marketplace, and create new American jobs that pay well and cannot be outsourced.

I think Americans want reform that harnesses the country's can-do spirit. I think they want to fuel long-term economic recovery with a wise investment that sparks a clean-energy transformation in our economy and that protects our children and grandchildren.

The Clean Energy Jobs and American Power Act is a significant milestone on the road to that reform. There of course remains road ahead, and there are many Senators on and off this Committee who have tremendous value to add. Thank you for your continuing work, and for inviting me to testify today.



**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Eric Wachter/OU=DC/O=USEPA/C=US  
**Sent:** Thur 10/22/2009 11:41:40 AM  
**Subject:** Re: JPA - Climate Change Practice Leader - Please review  
[Hotspot](#)  
[paul@jpamri.com](mailto:paul@jpamri.com)  
[www.jpamri.com](http://www.jpamri.com)  
<http://www.linkedin.com/in/paulpalazzolo>

I'll go through the pile and check. Sangay Wagle landed at DOE eventually, where he belonged.

----- Original Message -----

**From:** Richard Windsor  
**Sent:** 10/22/2009 05:16 AM EDT  
**To:** Eric Wachter  
**Subject:** Re: JPA - Climate Change Practice Leader - Please review  
How about some of the folks whose names we got from Katie McGinty? Or that guy we really liked but couldn't figure out what to do with that worked on the transition - Indian clean energy expertise.

----- Original Message -----

**From:** Eric Wachter  
**Sent:** 10/21/2009 05:49 PM EDT  
**To:** Richard Windsor  
**Cc:** Aaron Dickerson  
**Subject:** Fw: JPA - Climate Change Practice Leader - Please review  
Know anyone?

----- Forwarded by Eric Wachter/DC/USEPA/US on 10/21/2009 05:48 PM -----

**Date:** 10/21/2009 12:08 PM  
**From:** "Paul Palazzolo" <paul@jpamri.com>  
**To:** LisaP Jackson/DC/USEPA/US@EPA  
**cc:**  
**Subject:** JPA - Climate Change Practice Leader - Please review

Lisa,

We hope all is well with you these days. We are executing a search for a Climate Change Practice Leader in the Washington D.C. area for a very good client company with locations throughout the U.S. and internationally.

Please take a look at this position, it may be attractive to you or someone you know, and we would appreciate any help you can provide.

If this position isn't for you, perhaps a friend, colleague or someone your current firm has not been able to help might benefit from the opportunity to discuss the details with us.

Any recommendations for networking will remain in strict confidence if requested.

Thank you in advance, for your time and attention to the below position.

Position Title: Practice Leader - Principal - VP - Climate Change Practice

Location: Washington, DC area

Salary Range: \$130 - 190K commensurate with experience - bonus package

Company Description: Our client is seeking to hire a leader with key responsibilities for developing and growing an important climate change practice. This new position will benefit from our client's in-house expertise, excellent reputation, and strong experience in environmental policy. This includes long term service of working with the U.S. Environmental Protection Agency, other federal clients, and NGOs on the frontier of environmental issues.

Air quality has long been an area where they have serviced these clients and analyzed the physical effects and financial benefits associated with policies. They have helped to reduce greenhouse gas emissions and assess the environmental consequences of using alternative fuels. They have developed a new analytical structure for estimating carbon emissions by sector and state. In order to achieve this we are looking for a business development, technical and management leader to drive this growth.

Our client's scope of services includes working with federal and state environmental and resource management agencies to address complex policy, management, and regulatory challenges. Services include economic analysis, risk assessments, environmental modeling, regulatory and voluntary program support, and information technology.

Job Description: The incumbent in this position will:

- Grow, manage and deliver services in the Climate Change Practice.
- Coordinate business development activities with other departments and perform tasks to expand climate change practice.
- Manage staff, operational costs and quality to maintain and enhance profitability.
- Superior Greenhouse Gas technical expertise to design projects and to stay abreast of advances in technology.
- Coordinate contracts, climate policy, new developments of GHG programs and business development plans.
- Serve as the "face" of the practice at national and international conferences.

Requirements: Proven business development expertise, with a minimum of 10+ years experience in the Air Quality / Climate Change arena. MA / MBA / PhD with ability to win contracts / grants and superior quality projects. Excellent reputation in the climate change and air quality arenas.

Sincerely,

Paul Palazzolo  
Senior Managing Partner  
Jonathan Paul Associates, Inc. (JPA)  
One of the nation's leading Environmental Search Firms

Direct: (Toll Free) 866.712.1810  
paul@jpamri.com  
www.jpamri.com  
<http://www.linkedin.com/in/paulpalazzolo>  
P

Please consider the environment before printing my e-mail

MRINetwork  
EXPERTS IN GLOBAL SEARCH

OEX Processing Information

Processed Date:

Processed By

PO Office          Category:

Message Count

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=David McIntosh/OU=DC/O=USEPA/C=US  
**Sent:** Thur 10/22/2009 1:31:43 PM  
**Subject:** Re: draft opening statement for your review

Great thanks

----- Original Message -----

From: Richard Windsor  
Sent: 10/22/2009 09:31 AM EDT  
To: David McIntosh  
Subject: Re: draft opening statement for your review  
Sorry. Forgot to respond. This draft testimony is fine with me. Lj

----- Original Message -----

From: David McIntosh  
Sent: 10/21/2009 08:09 AM EDT  
To: Richard Windsor  
Cc: Diane Thompson  
Subject: draft opening statement for your review  
Administrator: Attached and pasted below is the draft of your opening statement for next Tuesday's Senate EPW hearing on the Kerry-Boxer climate/energy bill. The draft has been reviewed by the relevant OAR staff, by OGC, and by Gina, Lisa H, and Seth. If it looks all right to you, I'll put it into OMB review tomorrow, for submission to the EPW Committee on Friday.

[attachment "Draft Oct 27 Administrator Jackson Opening Statement.doc" deleted by Richard Windsor/DC/USEPA/US]  
Statement of Lisa P. Jackson  
Administrator, U.S. Environmental Protection Agency  
Hearing before the Senate Committee on Environment and Public Works  
October 27, 2009

Chairman Boxer, Ranking Minority Member Inhofe, and members of the Committee, thank you for inviting me to testify about the Clean Energy Jobs and American Power Act.

I last appeared before this Committee on July 7. Since then, this Administration has, under President Obama's leadership, taken unprecedented steps to decrease America's dependence on oil, put our nation in the lead of the 21st Century energy economy, and reduce the greenhouse-gas pollution that threatens our children and grandchildren.

On September 15, for example, Secretary LaHood and I jointly announced coordinated Department of Transportation and Environmental Protection Agency rulemakings to increase the fuel efficiency and reduce the greenhouse-gas emissions of cars and light-duty trucks sold from 2012 through 2016. The rules will reduce the lifetime oil consumption of those vehicles by 1.8 billion barrels. That will mean eliminating more than a billion barrels of imported oil, assuming the current ratio of domestic production to imports does not improve. At today's oil prices, we are talking about preventing 78 billion dollars from going abroad to buy oil from other countries. In the process, the rules will eliminate nearly a billion metric tons of greenhouse-gas pollution.

Each of my colleagues here can describe other steps that this Administration has already taken to make America's economy stronger by getting it running on clean energy.

Even as the President and the members of his Cabinet move forward under existing authority, we continue urging Congress to pass a new clean-energy law. Only new legislation can bring about the comprehensive and integrated changes that are needed to restore America's economic health and keep the nation secure over the long term.

This Committee held its July 7 hearing shortly after the House of Representatives passed the American Clean Energy and Security Act. So I took the opportunity to echo President Obama's request that the Senate demonstrate the same commitment that we had seen in the House to building a clean-energy foundation for a strong American economy.

The introduction of the Clean Energy Jobs and American Power Act on September 30 shows that the Senate is responding to the President's call to action. I commend you, Madame Chairman, and Senators Kerry and Kirk, for introducing that bill. I applaud the many other Senators, including members of this committee, who contributed meaningfully to the introduced legislation. And I thank Senator Graham for joining with Senator Kerry in a recent statement that reminds us all that giving America control over its own energy destiny can and should be a bipartisan mission.

Earlier this year, EPA ran the major provisions of the House clean-energy legislation through several economic computer models. When it comes to the specifications that the models can detect, the Clean Energy Jobs and American Power Act is very similar to the House legislation. Nevertheless, EPA has examined the ways in which the Senate bill is different and determined which of the conclusions reached about the House-passed bill can confidently be said to apply to the Senate bill as well.

EPA delivered the result of that inquiry to the Committee last Friday, and the members can review the report in detail. But let me just state three of the projections about the House bill that EPA feels confident also apply to the Clean Energy Jobs and American Power Act.

First, the legislation would transform the American economy from one that is relatively energy inefficient and dependent on highly-polluting energy production to one that is highly energy efficient and powered by advanced, cleaner, and more domestically-sourced energy.

Second, the legislation would bring about that transformation at a cost of less than 50 cents per day per American household in 2020.

Third, the finding that regional cost differences would be small applies to the Senate bill just as it did to the House legislation.

Moreover, even if the cost borne by the average household in a particular state were double the national average, it still would be less than a dollar a day in 2020.

I do not think anyone can honestly say that the head of an American household would not be willing to spend fifty cents a day – or even a dollar a day – to safeguard the wellbeing of his or her children, reduce the amount of money that we send abroad for oil, place American entrepreneurs back in the lead of the global marketplace, and create new American jobs that pay well and cannot be outsourced.

I think Americans want reform that harnesses the country's can-do spirit. I think they want to fuel long-term economic recovery with a wise investment that sparks a clean-energy transformation in our economy and that protects our children and grandchildren.

The Clean Energy Jobs and American Power Act is a significant milestone on the road to that reform. There of course remains road ahead, and there are many Senators on and off this Committee who have tremendous value to add. Thank you for your continuing work, and for inviting me to testify today.

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Thur 10/22/2009 10:07:05 PM  
**Subject:** Fw: Maximum non-cap and trade US numbers

Jonathan Pershing has also asked me again about this analysis.

Where do you see this going? Could we have a small-group meeting on this when you return?

I hear your trip has been really good.

----- Forwarded by Lisa Heinzerling/DC/USEPA/US on 10/22/2009 06:04 PM -----

From: "Stern, Todd D (S/SECC)" <SternTD@state.gov>  
To: "Pershing, Jonathan" <PershingJ@state.gov>, "Ogden, Peter R" <OgdenPR@state.gov>  
Cc: Lisa Heinzerling/DC/USEPA/US@EPA, "Reifsnyder, Daniel A (OES)" <ReifsnyderDA@state.gov>, "Zaitchik, Benjamin F (OES)" <ZaitchikBF@state.gov>, **Personal Privacy** "Stern, Todd D (S/SECC)" <SternTD@state.gov>  
Date: 10/22/2009 04:31 PM  
Subject: Maximum non-cap and trade US numbers

As I have been saying for some time now, we are in very great need of an analysis that looks at everything we can reasonably count outside the realm of a cap and trade law to see what kind of number we could get, should cap and trade legislation ultimately fail.

This would include, among other things:

- EPA/DOT regulation of vehicle emissions
- Most aggressive (plausible) EPA regulation of stationary sources
- Renewable electricity standard
- HFC and CFC action
- Black carbon action
- Significant state action such as California's AB 32, other regional cap and trade action, etc.
- Reasonable estimate of increase in nuclear
- Reasonable estimate of increase in natural gas, replacing coal
- Aggressive executive orders, to extent such order(s) would have any impact over a 10-year time horizon to, e.g., drive renewables or electric vehicles or whatever into the market place

If you were to add all this kind of thing up, I don't know if we'd be at 5% reduction, 8%, 10%, etc. But we need to know in the very near term.

Some of these items – especially the last 3 – may be impossible to quantify, though I hope at least some kind of rough quantification is possible. Others obviously can be estimated. JP mentioned to me over a month ago that an analysis like this was in the works, but I don't know where it stands or indeed whether anything is actually happening.

Please advise me on what is either done or in the works or, if not in the works, how we get this going on a

fast-track so that we can develop a ballpark answer within the next week or two. Thanks.

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Fri 10/23/2009 2:10:43 AM  
**Subject:** Re: Maximum non-cap and trade US numbers

Will do

----- Original Message -----

From: Richard Windsor  
Sent: 10/22/2009 06:59 PM EDT  
To: Lisa Heinzerling  
Subject: Re: Maximum non-cap and trade US numbers  
Sure. Loop Gina in and we can discuss Friday.

----- Original Message -----

From: Lisa Heinzerling  
Sent: 10/22/2009 06:07 PM EDT  
To: Richard Windsor  
Subject: Fw: Maximum non-cap and trade US numbers  
Jonathan Pershing has also asked me again about this analysis.

Where do you see this going? Could we have a small-group meeting on this when you return?

I hear your trip has been really good.

----- Forwarded by Lisa Heinzerling/DC/USEPA/US on 10/22/2009 06:04 PM -----

From: "Stern, Todd D (S/SECC)" <SternTD@state.gov>  
To: "Pershing, Jonathan" <PershingJ@state.gov>, "Ogden, Peter R" <OgdenPR@state.gov>  
Cc: Lisa Heinzerling/DC/USEPA/US@EPA, "Reifsnyder, Daniel A (OES)" <ReifsnyderDA@state.gov>, "Zaitchik, Benjamin F (OES)" <ZaitchikBF@state.gov>, Personal Privacy "Stern, Todd D (S/SECC)" <SternTD@state.gov>  
Date: 10/22/2009 04:31 PM  
Subject: Maximum non-cap and trade US numbers

As I have been saying for some time now, we are in very great need of an analysis that looks at everything we can reasonably count outside the realm of a cap and trade law to see what kind of number we could get, should cap and trade legislation ultimately fail.

This would include, among other things:

- EPA/DOT regulation of vehicle emissions
- Most aggressive (plausible) EPA regulation of stationary sources
- Renewable electricity standard
- HFC and CFC action
- Black carbon action
- Significant state action such as California's AB 32, other regional cap and trade action, etc.



- Reasonable estimate of increase in nuclear
- Reasonable estimate of increase in natural gas, replacing coal
- Aggressive executive orders, to extent such order(s) would have any impact over a 10-year time horizon to, e.g., drive renewables or electric vehicles or whatever into the market place

If you were to add all this kind of thing up, I don't know if we'd be at 5% reduction, 8%, 10%, etc. But we need to know in the very near term.

Some of these items – especially the last 3 – may be impossible to quantify, though I hope at least some kind of rough quantification is possible. Others obviously can be estimated. JP mentioned to me over a month ago that an analysis like this was in the works, but I don't know where it stands or indeed whether anything is actually happening.

Please advise me on what is either done or in the works or, if not in the works, how we get this going on a fast-track so that we can develop a ballpark answer within the next week or two. Thanks.

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US  
**Sent:** Fri 10/23/2009 4:06:51 PM  
**Subject:** Fw: BACKGROUND ON THE PRESIDENT'S EVENTS AT MIT TODAY

-----  
M. Allyn Brooks-LaSure | Deputy Associate Administrator for Public Affairs

U.S. Environmental Protection Agency | Office of the Administrator

Phone: 202-564-8368 | Email: brooks-lasure.allyn@epa.gov

----- Forwarded by Allyn Brooks-LaSure/DC/USEPA/US on 10/23/2009 12:06 PM -----

From: "White House Press Office" <whitehouse-lists-noreply@list.whitehouse.gov>  
To: Allyn Brooks-LaSure/DC/USEPA/US@EPA  
Date: 10/23/2009 11:20 AM  
Subject: BACKGROUND ON THE PRESIDENT'S EVENTS AT MIT TODAY

THE WHITE HOUSE  
Office of the Press Secretary

---

—  
FOR IMMEDIATE RELEASE  
October 23, 2009

#### BACKGROUND ON THE PRESIDENT'S EVENTS AT MIT TODAY

TOUR AT MIT  
BUSH BUILDING  
CAMBRIDGE, MA  
12:00 PM EDT

The President will tour a research laboratory at the Massachusetts Institute of Technology an institution that has been developing cutting edge clean energy technology. Dr. Susan Hockfield, MIT President, and Dr. Ernie Moniz, Director of the MIT Energy Initiative, will lead the President on the tour of the laboratories, where he will visit stations displaying solar, battery, and wind technology, and a LED light experiment.

Below is a brief summary of what the President will see on the tour:

#### Solar Station: Professor Marc Baldo

Professor Baldo will demonstrate his work on luminescent solar concentrators which collects sunlight for solar cells. These concentrators promise to reduce the cost of solar electricity because they use fewer solar cells for the same energy output. They can be mounted on rooftops and other space- and weight-sensitive locations that cannot support conventional solar concentrators.

Professor Baldo is a principal investigator in MIT's Research Laboratory of Electronics (RLE). Since his arrival at MIT in, 2002, he has worked on fundamental improvements to the efficiency of organic light-

emitting devices, and luminescent solar concentrators — a promising technology that could reduce the cost of solar electricity.

#### Wind Station: Professor Alex Slocum

Professor Slocum will demonstrate an Offshore Renewable Energy Systems (ORES) for which excess power from a wind turbine pumps water out of a storage volume anchored to the seabed. ORES operates by having water flow past a turbine into the storage volume, creating an inverse lake on the bottom of the ocean. This storage system has two purposes: it enables offshore power generation when the wind is not blowing and power is needed; and can also be used for mooring a floating wind turbine. Storage is a key enabling technology for intermittent renewables such as wind.

Professor Alex Slocum is the Pappalardo Professor of Mechanical Engineering, a MacVicar Faculty Teaching Fellow, and a Fellow of the ASME. Alex is a self-described “gizmologist” who designs machines ranging from medical instruments to manufacturing equipment to big renewable energy machines.

#### Battery Station: Professors Angela Belcher and Paula Hammond

Professors Hammond and Belcher will demonstrate a high-power battery that can be grown and assembled at room temperature using biological processes and no toxic materials for synthesis — and one that adds no harmful materials to the environment. These batteries have the same power performance as the very best state-of-the-art batteries. When scaled, these materials — and, more importantly, the next-generation of materials — could be used for computers or plug-in hybrid vehicles. These batteries are also being designed for integration into small, unmanned aerial vehicles, and as a way to lighten soldiers’ loads.

Professor Belcher is a materials chemist with expertise in the fields of biomaterials, bio-molecular materials, organic-inorganic interfaces and solid-state chemistry. Belcher received a BA in creative studies and a PhD in chemistry, both from the University of California, Santa Barbara. Hammond is a professor of chemical engineering, pursuing research in two major areas: the development of new biomaterials via nano- to microscale fabrication and self-assembled materials systems for electrochemical energy devices, including fuel cells, batteries and photovoltaics. Hammond holds an SB and PhD in chemical engineering from MIT, and an MS from Georgia Tech.

#### LED Light Station: Professor Vladimir Bulovic

Professor Bulovic will demonstrate quantum dot lighting which is a replacement for existing light bulbs or fluorescent lights that combines warm, rich color with the high efficiency of LED technology. The remarkably high white-light efficiency of this device is combined with a life span of more than 20 years, which could change the paradigm of lighting technology. These lights can be fabricated in a simple molding process, enabling manufacturability and large-scale deployment. Artificial lighting consumes 8 percent of all U.S. energy and 22 percent of U.S. electricity. The efficiency of present light sources (which are primarily incandescent, fluorescent, and high-intensity lamps) can be doubled or even tripled with the LED white light sources that Bulovic and colleagues are developing.

Professor Bulovic holds a BSE, MA, and PhD from Princeton University and studies the physical properties of organic and organic/inorganic nanocrystal composite thin films and structures, and the development of novel optoelectronic organic and hybrid nano-scale devices.

REMARKS AT MIT  
KRESGE AUDITORIUM  
CAMBRIDGE, MA  
12:30 PM EDT

After the tour the President will deliver remarks at MIT challenging Americans to lead the global economy in clean energy and to highlight Recovery Act investments that are creating jobs and making advancements in wind energy. Dr. Hockfield and Dr. Moniz will give remarks prior to the President’s speech.

The audience of approximately 750 will be composed of MIT faculty and staff, business and community leaders, and entrepreneurs. There will also be local political leaders and Members of Congress in attendance.

Expected attendees include the following elected officials:

US Senator John Kerry, D-MA  
US Representative Michael Capuano, D-MA  
MA Governor Deval Patrick  
MA Lieutenant Governor Tim Murray  
MA Attorney General Martha Coakley  
MA Auditor of the Commonwealth Joe DeNucci  
Mayor of Cambridge Denise Simmons  
Mayor of Somerville Joe Curtatone  
MA Senate Majority Leader Fred Berry  
MA Senate President Pro Tem Stanley Rosenberg  
Superintendent of Cambridge Public Schools Jeff Young

Susan Hockfield, Ph.D. - President, Massachusetts Institute of Technology  
Susan Hockfield has served as the 16th President of the Massachusetts Institute of Technology (MIT) since December 2004. A noted neuroscientist focused on the development of the brain, Dr. Hockfield is the first life scientist to lead MIT and holds a faculty appointment as Professor of Neuroscience in the Department of Brain and Cognitive Sciences. Before assuming the presidency of MIT, she was Provost at Yale University, where she had taught since 1985 and had also served as Dean of the Graduate School of Arts and Sciences. Under Dr. Hockfield's leadership, MIT has built on its traditional strengths in science, engineering, architecture, management and economics to advance the frontiers of energy research and to pioneer crucial advances at the burgeoning intersection of the life sciences, the physical sciences and engineering.

Ernest J. Moniz - Director, Massachusetts Institute of Technology Energy Initiative  
Ernest J. Moniz is the Cecil and Ida Green Professor of Physics and Engineering Systems, Director of the Energy Initiative, and Director of the Laboratory for Energy and the Environment at the Massachusetts Institute of Technology, where he has served on the faculty since 1973. Dr. Moniz served as Under Secretary of the Department of Energy from 1997 until January 2001 and, from 1995 to 1997, as Associate Director for Science in the Office of Science and Technology Policy in the Executive Office of the President. At MIT, Dr. Moniz served as Head of the Department of Physics and as Director of the Bates Linear Accelerator Center. His principal research contributions have been in theoretical nuclear physics and in energy technology and policy studies. He serves on President Obama's Council of Advisors for Science and Technology (PCAST).

##

**To:** "Richard Windsor" [Windsor.Richard@epamail.epa.gov]  
**From:** CN=Diane Thompson/OU=DC/O=USEPA/C=US  
**Sent:** Fri 10/23/2009 10:10:57 PM  
**Subject:** Fw: Gulf Coast Rebuilding Weekly Update

Great to hv u safely home...

From: "Lundqvist, Hanna" [Hanna.Lundqvist@dhs.gov]  
Sent: 10/23/2009 05:10 PM AST  
To: "Leshner, Jan" <Jan.Leshner@dhs.gov>; "Wareing, Tracy" <Tracy.Wareing@dhs.gov>; "Kayyem, Juliette" <Juliette.Kayyem@dhs.gov>; "Tennyson, Stephanie L" <Stephanie.Tennyson@dhs.gov>; "Smith, Sean" <Sean.Smith@dhs.gov>; "Kuban, Sara A" <Sara.Kuban@dhs.gov>; "McNamara, Jason" <Jason.Mcnamara@dhs.gov>; "Fugate, Craig" <Craig.Fugate@dhs.gov>;  
Personal Privacy  
Personal Privacy "Stevens, Clark"  
<Clark.Stevens@dhs.gov>; "Colburn, Brent" <Brent.Colburn@dhs.gov>; "Hart, Patrick"  
<Patrick.Hart@dhs.gov>; "Garratt, David" <david.garratt@dhs.gov>; "Wiggins, Chani Winn"  
<Chani.Wiggins@dhs.gov>; "Peacock, Nelson" <Nelson.Peacock@dhs.gov>; "Pressman, David"  
<David.Pressman@dhs.gov>; <joan.deboer@dot.gov>; <dave.gresham@hud.gov>;  
Personal Privacy <frederick.tombariii@hud.gov>;  
<brian.gill@hud.gov>; "McDonald, Blair" <Blair.Mcdonald@dhs.gov>; <laura.petrrou@hhs.gov>;  
<rima.cohen@hhs.gov>; "Contreras, January" <January.Contreras@dhs.gov>; "Gordon, Andrew S"  
<Andrew.Gordon@dhs.gov>; <Personal Privacy  
Personal Privacy  
Personal Privacy  
<donny.williams@hud.gov>; <laurel.a.blatchford@hud.gov>; Personal Privacy  
Personal Privacy  
Personal Privacy <Jennifer.a.greer@usace.army.mil>;  
<Andrew.hagelin@hqda.army.mil>; <steven.l.stockton@usace.army.mil>;  
<Zoltan.l.montvai@usace.army.mil>; "Grimm, Michael" <michael.grimm@dhs.gov>;  
<Deborah.ingram@dhs.gov>; <cantor.eric@dol.gov>; <gambrell@cdfi.treas.gov>; Allyn Brooks-LaSure;  
<mark.newberg@sba.gov>; <steven.smith@sba.gov>; <Donald.orndoff@va.gov>;  
Personal Privacy <John.cross@do.treas.gov>;  
<Danielle.l.schopp@hud.gov>; Personal Privacy <theodore.a.brown@usace.army.mil>;  
<todd.m.richardson@hud.gov>; <dominique.blom@hud.gov>; <jeffrey.riddel@hud.gov>;  
<david.vargas@hud.gov>; <mark.miszack@fema.gov>; "Fox, Katherine B" <Katherine.B.Fox@dhs.gov>;  
Personal Privacy "Monchek, Rafaela" <rafaela.monchek@dhs.gov>;  
<carl.highsmith@dot.gov>; <david.matsuda@dot.gov>; "Duggan, Alaina" <Alaina.Duggan@dhs.gov>;  
"Campbell, Matt" <matt.campbell@dhs.gov>; Personal Privacy Jim  
Hanlon; Diane Thompson: <donna.white@hud.gov>; <Inembhard@cns.gov>; <baker.angela@dol.gov>;  
Personal Privacy "McClure, Laura" <Laura.Mcclure@dhs.gov>;  
<rstinson@eda.doc.gov>; <pdavidson@eda.doc.gov>; <cosborne@eda.doc.gov>; <ginger.lew@sba.gov>;  
<james.rivera@sba.gov>; <eric.zarnikow@sba.gov>; <chris.chan@sba.gov>; <ana.ma@sba.gov>;  
<Matthew.Yale@ed.gov>; <johnr.gingrich@va.gov>; <mark.a.linton@hud.gov>; <alexia.kelley@hhs.gov>;  
<cgrant2@doc.gov>; "Myers, David" <David.Myers1@dhs.gov>; "Schwartz, Alison"  
<Alison.Schwartz@dhs.gov>; "Goucher, Rob" <rob.goucher@dhs.gov>; <Honker.Bill@epamail.epa.gov>;  
Personal Privacy <fbci@usda.gov>; <edpartners@ed.gov>;  
<jerry.flavin@sba.gov>; <fbci@usaid.gov>; <vafbnp@va.gov>; <jkelly@cns.gov>;

<banks@cdfi.treas.gov>; <kerney-willist@cdfi.treas.gov>; <martineza@cdfi.treas.gov>  
Cc: "Woodka, Janet" <Janet.Woodka@dhs.gov>; "Whelan, Moira" <Moira.Whehan@dhs.gov>; "Simms, Nathan"  
<Nathan.Simms@dhs.gov>; "Banta, Drue" <Drue.Banta@dhs.gov>; "Lundqvist, Hanna"  
<Hanna.Lundqvist@dhs.gov>; "Horton, Eric" <Eric.Horton@dhs.gov>; "Watson, Shannon"  
<Shannon.Watson@dhs.gov>; "Fraser, Timothy" <Timothy.Fraser@dhs.gov>; "Stewart, Jessica"  
<Jessica.Stewart@dhs.gov>; "McConnell, Scott" <Scott.Mcconnell@dhs.gov>; "Lockett, Terrence"  
<Terrence.Lockett@dhs.gov>; "Gehring, Wendy" <Wendy.Gehring@dhs.gov>  
Subject: Gulf Coast Rebuilding Weekly Update

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Peter Silva/OU=DC/O=USEPA/C=US@EPA[]; N=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Peter Silva/OU=DC/O=USEPA/C=US@EPA[]; N=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Peter Silva/OU=DC/O=USEPA/C=US@EPA[]; N=Seth Oster/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Peter Silva/OU=DC/O=USEPA/C=US@EPA[]; N=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Peter Silva/OU=DC/O=USEPA/C=US@EPA[]; N=Peter Silva/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Bob Sussman/OU=DC/O=USEPA/C=US  
**Sent:** Fri 10/23/2009 10:52:48 PM  
**Subject:** Fw: Visit to Appalachia: Planning  
[Appalachia trip plan.doc](#)

CEQ is moving into high gear on planning the November 11-12 "principals" trip to Appalachia. I've been asked, along with Rock Salt and Wilma Lewis, to develop messaging and meeting plans for the principals. As previously noted, Seth's participation with me is essential and I hope he will loop into next week's planned CEQ meeting.

Career staff (with EPA as lead) will handle logistics, meeting arrangements, briefing materials etc.

## Deliberative

Note that Salazar is not planning to make the trip; DOI would be represented by Wilma Lewis. The Admin, Nancy Sutley and Rock/Jo-Ellyn would be the other participants.

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency  
----- Forwarded by Bob Sussman/DC/USEPA/US on 10/23/2009 06:45 PM -----

**From:** "Salzman, Amelia S." [Personal Privacy]  
**To:** <Rock.Salt@us.army.mil>, Bob Sussman/DC/USEPA/US@EPA, <wilma\_lewis@ios.doi.gov>  
**Cc:** "Boots, Michael J." [Personal Privacy] "Klasen, Matthew N." [Personal Privacy] "Hight, Courtney" [Personal Privacy] "Freundlich, Christina L." [Personal Privacy] "Carson, Jonathan K." [Personal Privacy] "Hyland, Dana E." [Personal Privacy]  
**Date:** 10/23/2009 12:58 PM  
**Subject:** Visit to Appalachia: Planning

Dear All,

**Other Agency**

Amy

Amelia Salzman  
Associate Director for Policy Outreach  
White House Council on Environmental Quality  
730 Jackson Place, NW  
Washington, DC 20530

**Personal Privacy**



**Administrator Lisa P. Jackson**  
**Governors' Climate Summit**  
**September 30, 2009**

**Acknowledgements**

TBD

It's my honor to welcome you to the Governors' Climate Summit.

Thank you to our host, Governor Schwarzenegger, and co-hosts Governor Gregoire (Greg-guire) from Washington and Governor Kulongoski (Cool-on-goski) from Oregon.

Last year, Governor Schwarzenegger convened leaders from across the globe to discuss this shared challenge. By doing so again this year, he's demonstrated that he is a true leader who insists that we take on the fight to stop climate change.

He has been nothing short of a remarkable voice on this issue. And I'm glad to see that his years in Sacramento have not stopped him from trying to save the world. Thank you, Governor Schwarzenegger.

I also want to thank him – and everyone here – for making this a broad and bipartisan event. It can often feel like the poles of our debate are growing at the same rate the poles on our planet are shrinking. I'm heartened that we can all meet here with a common purpose.

Let me also thank you – as your keynote – for allowing me to welcome you when, in fact, as part of the EPA and the federal government, I am the newcomer here.

For too many years, states, cities and towns concerned about climate change have had to go it alone – typically without federal partnership, and sometimes with aggressive federal opposition.

I know from my time as Commissioner of the New Jersey Department of Environmental Protection – where we joined the Regional Greenhouse Gas Initiative and stepped up state efforts on clean energy – exactly how challenging it has been. But I also know that it sparked incredible creativity and leadership, especially here in California.

California has been out front on energy efficiency, greenhouse gas reduction, transportation innovation, and so much more. In many ways, the country is once again catching up with what's happening here.

That is literally true with one of President Obama's signature initiatives – a groundbreaking agreement on national fuel economy and greenhouse gas standards for vehicles.

15 days ago, I and the Secretary of Transportation signed a formal proposal setting standards of 35.5 MPG by 2016, and containing the first ever national action to significantly control greenhouse gas emissions from vehicles. That breakthrough had its roots in the California waiver, which

President Obama directed EPA to reconsider almost as soon as we stepped into office.

And to stay ahead of the game – rather than just play catch up – discussions are already underway between California and EPA on what happens in 2017 and beyond.

Last year, President-elect Obama promised the first Governors' Climate Summit that his Presidency will be a “new chapter in America’s leadership on climate change.”

This year, I would like to read you the first pages of that chapter.

Now is the time for this administration to take action against the greatest environmental challenge of our time, and claim the national and international leadership expected of us.

Central to our progress is getting America running efficiently on clean energy. We can create millions of good jobs that can't be shipped overseas, cut carbon emissions, and keep billions of dollars here at home by reducing our dependence on foreign oil.

Comprehensive legislation from the US Congress is the next frontier – and we are closer today than we have ever been before. The House has already passed the bill from LA’s own Congressmen Henry Waxman and Massachusetts’ Ed Markey.

Today, we anticipate a Senate bill from another great Massachusetts-California duo: Senator's Boxer and Kerry.

EPA is ready to work with the legislature – and all of you – to bring a strong climate and energy bill to the American people. **But**...we are not going to continue with business as usual while we wait for Congress to act.

We have the tools and the technologies to move forward **today** – and we are using them.

Along with the California Waiver and the clean car program, we have taken – in these first few months – two other historic actions in the fight against climate change. In just a moment, I will share with you another.

The first of those two was one of our earliest actions on the job: fulfilling the mandate of the 2007 Supreme Court decision by submitting a formal Endangerment Finding for greenhouse gas emissions.

That Supreme Court decision was perhaps the most important decision ever handed down in the annals of environmental law. EPA was prompted to determine if greenhouse gases pose a threat to the health of Americans, and – if so – to regulate them under the Clean Air Act, one of the most successful pieces of legislation ever enacted.

The court sent a crystal clear message: there are no more excuses for delay. Unfortunately, that watershed moment was met with more diversion

and inaction. But this administration refused to ignore science and the law.

We quickly set to work on the Bush-era document and submitted it as directed by the court. We have received more than 400,000 responses in the 60-day public comment period. And we soon expect a final document that will lay the foundation for reducing greenhouse emissions and confronting climate change.

Our second historic action came last week, when we announced that – for the first time ever – the nation’s largest sources of greenhouse gases will be required to report their emissions.

That new rule will allow us – and you – to track approximately 85 percent of total US emissions while only requiring a small percentage of facilities – about 10,000 out of tens of millions of American businesses – to report.

We will now know how much carbon is polluting our atmosphere, where energy efficiency investments and new technologies can reduce greenhouse gases, and how we can save money for business, consumers and government.

Today, I’m proud to announce the next major advance in this effort:

Today I signed a proposed rule to use the power and authority of the Clean Air Act to begin reducing emissions from the nation’s largest greenhouse

gas emitting facilities. Under this new rule, large facilities will be required to adopt the best, most efficient technologies available when they are constructed or upgraded, helping us significantly reduce greenhouse gases from sectors that account for nearly 70 percent of non-vehicle emissions.

This is a common-sense measure, strategically tailored to facilities emitting more than 25,000 tons of carbon dioxide each year. And the results won't just be emissions cuts. It will also promote emerging innovations and accelerated use of efficient, clean technologies across the entire economy.

In short, it allows us to do what the Clean Air Act does best – reduce emissions for better health, drive technology innovation for a better economy, and protect the environment for a better future – all without placing an undue burden on the businesses that make up the better part of our economy.

This is change. It's not easy. And we can't expect it to get easy in the months and years ahead.

Defenders of the status quo are going to oppose this with everything they have. Very soon, we will hear about doomsday scenarios – with EPA regulating everything from cows to the local Dunkin' Donuts.

But let's be clear: that is not going to happen.

We have carefully targeted our efforts to exempt the vast majority of small and medium-sized businesses. We know the corner coffee shop is no place to look for meaningful carbon reductions.

In the coming months, we will continue working together with regions, states and localities, as well as Congress, to put climate solutions into action.

We will explore cost-effective ways to expand the reach of energy efficiency and innovation to key sectors of the economy, where opportunities are very real.

Transportation sources – which account for more than 30 percent of the nation’s emissions – can make significant cuts with technology-based standards that are aggressive and achievable.

And we can move forward with New Source Performance Standards so that power plants, refineries, cement manufacturing and other stationary sources are using energy efficient motors and heaters – helping to spark new innovations and new ways of doing business that will ensure our economic and environmental sustainability for generations to come.

<<P>>

Let me close on that last point: generations to come.

Our chief responsibility in all of this is to leave our planet a better place. Whatever our political beliefs are, wherever we come from, and whatever strategy we think is best, a concern for our future generations is – ultimately – what brings us all here.

<<P>>

With me today is young woman named Otana Jakpor. Many of you may already know of her from the well-deserved attention she gained for her leadership and commitment to protecting our health and our environment.

Otana is a 15 year old a senior at Woodcrest Christian High School in Riverside. When she was 13, she began coming to public hearings and offering not only her impassioned views, but hard data on environmental threats.

Her extraordinary work helped move California to pass a law on ozone pollution from air purifiers. Today, she is still at it, hoping for cleaner air to help her mother in her chronic struggles with asthma. In the process, Otana is working on behalf of us all.

[As I said, Otana is here with us today...WITH HER MOTHER AND HER SISTER AT TABLE...]

At this young age, she has stepped up to do her part. Now it's time for us to go to work for her.



Otana and her generation should be able to look back and see this moment as the turning point in our history, when we began, in earnest, the stop climate change.

That is why I'm here today. It's why President Obama has initiated American leadership on climate change.

And it's why I'm glad to be here – with all of you – to offer my hand in partnership, and to say that the journey towards real carbon reductions, towards clean energy, cleaner air and a better future, is underway.

Thank you very much.

## **Proposed Guidance: Release of the Kerry-Boxer Bill**

**Deliberative**

**Deliberative**

**Deliberative**

**Deliberative**

## **Proposed Guidance: Release of the Kerry-Boxer Bill**

**Deliberative**

**Deliberative**

**Deliberative**



**Deliberative**

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

October 5, 2009

EXECUTIVE ORDER

- - - - -

FEDERAL LEADERSHIP IN ENVIRONMENTAL, ENERGY,  
AND ECONOMIC PERFORMANCE

By the authority vested in me as President by the Constitution and the laws of the United States of America, and to establish an integrated strategy towards sustainability in the Federal Government and to make reduction of greenhouse gas emissions a priority for Federal agencies, it is hereby ordered as follows:

Section 1. Policy. In order to create a clean energy economy that will increase our Nation's prosperity, promote energy security, protect the interests of taxpayers, and safeguard the health of our environment, the Federal Government must lead by example. It is therefore the policy of the United States that Federal agencies shall increase energy efficiency; measure, report, and reduce their greenhouse gas emissions from direct and indirect activities; conserve and protect water resources through efficiency, reuse, and stormwater management; eliminate waste, recycle, and prevent pollution; leverage agency acquisitions to foster markets for sustainable technologies and environmentally preferable materials, products, and services; design, construct, maintain, and operate high performance sustainable buildings in sustainable locations; strengthen the vitality and livability of the communities in which Federal facilities are located; and inform Federal employees about and involve them in the achievement of these goals.

It is further the policy of the United States that to achieve these goals and support their respective missions, agencies shall prioritize actions based on a full accounting of both economic and social benefits and costs and shall drive continuous improvement by annually evaluating performance, extending or expanding projects that have net benefits, and reassessing or discontinuing under-performing projects.

Finally, it is also the policy of the United States that agencies' efforts and outcomes in implementing this order shall be transparent and that agencies shall therefore disclose results associated with the actions taken pursuant to this order on publicly available Federal websites.

Sec. 2. Goals for Agencies. In implementing the policy set forth in section 1 of this order, and preparing and implementing the Strategic Sustainability Performance Plan called for in section 8 of this order, the head of each agency shall:

(a) within 90 days of the date of this order, establish and report to the Chair of the Council on Environmental Quality (CEQ Chair) and the Director of the Office of Management and Budget (OMB Director) a percentage reduction target for agency-wide

more

(OVER)

reductions of scope 1 and 2 greenhouse gas emissions in absolute terms by fiscal year 2020, relative to a fiscal year 2008 baseline of the agency's scope 1 and 2 greenhouse gas emissions. Where appropriate, the target shall exclude direct emissions from excluded vehicles and equipment and from electric power produced and sold commercially to other parties in the course of regular business. This target shall be subject to review and approval by the CEQ Chair in consultation with the OMB Director under section 5 of this order. In establishing the target, the agency head shall consider reductions associated with:

- (i) reducing energy intensity in agency buildings;
- (ii) increasing agency use of renewable energy and implementing renewable energy generation projects on agency property; and
- (iii) reducing the use of fossil fuels by:
  - (A) using low greenhouse gas emitting vehicles including alternative fuel vehicles;
  - (B) optimizing the number of vehicles in the agency fleet; and
  - (C) reducing, if the agency operates a fleet of at least 20 motor vehicles, the agency fleet's total consumption of petroleum products by a minimum of 2 percent annually through the end of fiscal year 2020, relative to a baseline of fiscal year 2005;

(b) within 240 days of the date of this order and concurrent with submission of the Strategic Sustainability Performance Plan as described in section 8 of this order, establish and report to the CEQ Chair and the OMB Director a percentage reduction target for reducing agency-wide scope 3 greenhouse gas emissions in absolute terms by fiscal year 2020, relative to a fiscal year 2008 baseline of agency scope 3 emissions. This target shall be subject to review and approval by the CEQ Chair in consultation with the OMB Director under section 5 of this order. In establishing the target, the agency head shall consider reductions associated with:

- (i) pursuing opportunities with vendors and contractors to address and incorporate incentives to reduce greenhouse gas emissions (such as changes to manufacturing, utility or delivery services, modes of transportation used, or other changes in supply chain activities);
- (ii) implementing strategies and accommodations for transit, travel, training, and conferencing that actively support lower-carbon commuting and travel by agency staff;
- (iii) greenhouse gas emission reductions associated with pursuing other relevant goals in this section; and
- (iv) developing and implementing innovative policies and practices to address scope 3 greenhouse gas emissions unique to agency operations;

more

(c) establish and report to the CEQ Chair and OMB Director a comprehensive inventory of absolute greenhouse gas emissions, including scope 1, scope 2, and specified scope 3 emissions (i) within 15 months of the date of this order for fiscal year 2010, and (ii) thereafter, annually at the end of January, for the preceding fiscal year.

(d) improve water use efficiency and management by:

- (i) reducing potable water consumption intensity by 2 percent annually through fiscal year 2020, or 26 percent by the end of fiscal year 2020, relative to a baseline of the agency's water consumption in fiscal year 2007, by implementing water management strategies including water-efficient and low-flow fixtures and efficient cooling towers;
- (ii) reducing agency industrial, landscaping, and agricultural water consumption by 2 percent annually or 20 percent by the end of fiscal year 2020 relative to a baseline of the agency's industrial, landscaping, and agricultural water consumption in fiscal year 2010;
- (iii) consistent with State law, identifying, promoting, and implementing water reuse strategies that reduce potable water consumption; and
- (iv) implementing and achieving the objectives identified in the stormwater management guidance referenced in section 14 of this order;

(e) promote pollution prevention and eliminate waste by:

- (i) minimizing the generation of waste and pollutants through source reduction;
- (ii) diverting at least 50 percent of non-hazardous solid waste, excluding construction and demolition debris, by the end of fiscal year 2015;
- (iii) diverting at least 50 percent of construction and demolition materials and debris by the end of fiscal year 2015;
- (iv) reducing printing paper use and acquiring uncoated printing and writing paper containing at least 30 percent postconsumer fiber;
- (v) reducing and minimizing the quantity of toxic and hazardous chemicals and materials acquired, used, or disposed of;
- (vi) increasing diversion of compostable and organic material from the waste stream;
- (vii) implementing integrated pest management and other appropriate landscape management practices;

more

(OVER)

- (viii) increasing agency use of acceptable alternative chemicals and processes in keeping with the agency's procurement policies;
  - (ix) decreasing agency use of chemicals where such decrease will assist the agency in achieving greenhouse gas emission reduction targets under section 2(a) and (b) of this order; and
  - (x) reporting in accordance with the requirements of sections 301 through 313 of the Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. 11001 *et seq.*);
- (f) advance regional and local integrated planning by:
- (i) participating in regional transportation planning and recognizing existing community transportation infrastructure;
  - (ii) aligning Federal policies to increase the effectiveness of local planning for energy choices such as locally generated renewable energy;
  - (iii) ensuring that planning for new Federal facilities or new leases includes consideration of sites that are pedestrian friendly, near existing employment centers, and accessible to public transit, and emphasizes existing central cities and, in rural communities, existing or planned town centers;
  - (iv) identifying and analyzing impacts from energy usage and alternative energy sources in all Environmental Impact Statements and Environmental Assessments for proposals for new or expanded Federal facilities under the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*); and
  - (v) coordinating with regional programs for Federal, State, tribal, and local ecosystem, watershed, and environmental management;
- (g) implement high performance sustainable Federal building design, construction, operation and management, maintenance, and deconstruction including by:
- (i) beginning in 2020 and thereafter, ensuring that all new Federal buildings that enter the planning process are designed to achieve zero-net-energy by 2030;
  - (ii) ensuring that all new construction, major renovation, or repair and alteration of Federal buildings complies with the *Guiding Principles for Federal Leadership in High Performance and Sustainable Buildings* (Guiding Principles);
  - (iii) ensuring that at least 15 percent of the agency's existing buildings (above 5,000 gross square feet) and building leases (above 5,000

more

gross square feet) meet the Guiding Principles by fiscal year 2015 and that the agency makes annual progress toward 100-percent conformance with the Guiding Principles for its building inventory;

- (iv) pursuing cost-effective, innovative strategies, such as highly reflective and vegetated roofs, to minimize consumption of energy, water, and materials;
- (v) managing existing building systems to reduce the consumption of energy, water, and materials, and identifying alternatives to renovation that reduce existing assets' deferred maintenance costs;
- (vi) when adding assets to the agency's real property inventory, identifying opportunities to consolidate and dispose of existing assets, optimize the performance of the agency's real-property portfolio, and reduce associated environmental impacts; and
- (vii) ensuring that rehabilitation of federally owned historic buildings utilizes best practices and technologies in retrofitting to promote long-term viability of the buildings;

(h) advance sustainable acquisition to ensure that 95 percent of new contract actions including task and delivery orders, for products and services with the exception of acquisition of weapon systems, are energy-efficient (Energy Star or Federal Energy Management Program (FEMP) designated), water-efficient, biobased, environmentally preferable (e.g., Electronic Product Environmental Assessment Tool (EPEAT) certified), non-ozone depleting, contain recycled content, or are non-toxic or less-toxic alternatives, where such products and services meet agency performance requirements;

(i) promote electronics stewardship, in particular by:

- (i) ensuring procurement preference for EPEAT-registered electronic products;
- (ii) establishing and implementing policies to enable power management, duplex printing, and other energy-efficient or environmentally preferable features on all eligible agency electronic products;
- (iii) employing environmentally sound practices with respect to the agency's disposition of all agency excess or surplus electronic products;
- (iv) ensuring the procurement of Energy Star and FEMP designated electronic equipment;
- (v) implementing best management practices for energy-efficient management of servers and Federal data centers; and

more

(OVER)

- (j) sustain environmental management, including by:
  - (i) continuing implementation of formal environmental management systems at all appropriate organizational levels; and
  - (ii) ensuring these formal systems are appropriately implemented and maintained to achieve the performance necessary to meet the goals of this order.

Sec. 3. Steering Committee on Federal Sustainability. The OMB Director and the CEQ Chair shall:

(a) establish an interagency Steering Committee (Steering Committee) on Federal Sustainability composed of the Federal Environmental Executive, designated under section 6 of Executive Order 13423 of January 24, 2007, and Agency Senior Sustainability Officers, designated under section 7 of this order, and that shall:

- (i) serve in the dual capacity of the Steering Committee on Strengthening Federal Environmental, Energy, and Transportation Management designated by the CEQ Chair pursuant to section 4 of Executive Order 13423;
- (ii) advise the OMB Director and the CEQ Chair on implementation of this order;
- (iii) facilitate the implementation of each agency's Strategic Sustainability Performance Plan; and
- (iv) share information and promote progress towards the goals of this order;

(b) enlist the support of other organizations within the Federal Government to assist the Steering Committee in addressing the goals of this order;

(c) establish and disband, as appropriate, interagency subcommittees of the Steering Committee, to assist the Steering Committee in carrying out its responsibilities;

(d) determine appropriate Federal actions to achieve the policy of section 1 and the goals of section 2 of this order;

(e) ensure that Federal agencies are held accountable for conformance with the requirements of this order; and

(f) in coordination with the Department of Energy's Federal Energy Management Program and the Office of the Federal Environmental Executive designated under section 6 of Executive Order 13423, provide guidance and assistance to facilitate the development of agency targets for greenhouse gas emission reductions required under subsections 2(a) and (b) of this order.

Sec. 4. Additional Duties of the Director of the Office of Management and Budget. In addition to the duties of the OMB Director specified elsewhere in this order, the OMB Director shall:

more

(a) review and approve each agency's multi-year Strategic Sustainability Performance Plan under section 8 of this order and each update of the Plan. The Director shall, where feasible, review each agency's Plan concurrently with OMB's review and evaluation of the agency's budget request;

(b) prepare scorecards providing periodic evaluation of Federal agency performance in implementing this order and publish scorecard results on a publicly available website; and

(c) approve and issue instructions to the heads of agencies concerning budget and appropriations matters relating to implementation of this order.

Sec. 5. Additional Duties of the Chair of the Council on Environmental Quality. In addition to the duties of the CEQ Chair specified elsewhere in this order, the CEQ Chair shall:

(a) issue guidance for greenhouse gas accounting and reporting required under section 2 of this order;

(b) issue instructions to implement this order, in addition to instructions within the authority of the OMB Director to issue under subsection 4(c) of this order;

(c) review and approve each agency's targets, in consultation with the OMB Director, for agency-wide reductions of greenhouse gas emissions under section 2 of this order;

(d) prepare, in coordination with the OMB Director, streamlined reporting metrics to determine each agency's progress under section 2 of this order;

(e) review and evaluate each agency's multi-year Strategic Sustainability Performance Plan under section 8 of this order and each update of the Plan;

(f) assess agency progress toward achieving the goals and policies of this order, and provide its assessment of the agency's progress to the OMB Director;

(g) within 120 days of the date of this order, provide the President with an aggregate Federal Government-wide target for reducing scope 1 and 2 greenhouse gas emissions in absolute terms by fiscal year 2020 relative to a fiscal year 2008 baseline;

(h) within 270 days of the date of this order, provide the President with an aggregate Federal Government-wide target for reducing scope 3 greenhouse gas emissions in absolute terms by fiscal year 2020 relative to a fiscal year 2008 baseline;

(i) establish and disband, as appropriate, interagency working groups to provide recommendations to the CEQ for areas of Federal agency operational and managerial improvement associated with the goals of this order; and

(j) administer the Presidential leadership awards program, established under subsection 4(c) of Executive Order 13423, to recognize exceptional and outstanding agency performance with respect to achieving the goals of this order and to recognize extraordinary innovation, technologies, and practices employed to achieve the goals of this order.

more

(OVER)



Sec. 6. Duties of the Federal Environmental Executive. The Federal Environmental Executive designated by the President to head the Office of the Federal Environmental Executive, pursuant to section 6 of Executive Order 13423, shall:

(a) identify strategies and tools to assist Federal implementation efforts under this order, including through the sharing of best practices from successful Federal sustainability efforts; and

(b) monitor and advise the CEQ Chair and the OMB Director on the agencies' implementation of this order and their progress in achieving the order's policies and goals.

Sec. 7. Agency Senior Sustainability Officers. (a) Within 30 days of the date of this order, the head of each agency shall designate from among the agency's senior management officials a Senior Sustainability Officer who shall be accountable for agency conformance with the requirements of this order; and shall report such designation to the OMB Director and the CEQ Chair.

(b) The Senior Sustainability Officer for each agency shall perform the functions of the senior agency official designated by the head of each agency pursuant to section 3(d)(i) of Executive Order 13423 and shall be responsible for:

- (i) preparing the targets for agency-wide reductions and the inventory of greenhouse gas emissions required under subsections 2(a), (b), and (c) of this order;
- (ii) within 240 days of the date of this order, and annually thereafter, preparing and submitting to the CEQ Chair and the OMB Director, for their review and approval, a multi-year Strategic Sustainability Performance Plan (Sustainability Plan or Plan) as described in section 8 of this order;
- (iii) preparing and implementing the approved Plan in coordination with appropriate offices and organizations within the agency including the General Counsel, Chief Information Officer, Chief Acquisition Officer, Chief Financial Officer, and Senior Real Property Officers, and in coordination with other agency plans, policies, and activities;
- (iv) monitoring the agency's performance and progress in implementing the Plan, and reporting the performance and progress to the CEQ Chair and the OMB Director, on such schedule and in such format as the Chair and the Director may require; and
- (v) reporting annually to the head of the agency on the adequacy and effectiveness of the agency's Plan in implementing this order.

Sec. 8. Agency Strategic Sustainability Performance Plan. Each agency shall develop, implement, and annually update an integrated Strategic Sustainability Performance Plan that will prioritize agency actions based on lifecycle return

more

on investment. Each agency Plan and update shall be subject to approval by the OMB Director under section 4 of this order. With respect to the period beginning in fiscal year 2011 and continuing through the end of fiscal year 2021, each agency Plan shall:

(a) include a policy statement committing the agency to compliance with environmental and energy statutes, regulations, and Executive Orders;

(b) achieve the sustainability goals and targets, including greenhouse gas reduction targets, established under section 2 of this order;

(c) be integrated into the agency's strategic planning and budget process, including the agency's strategic plan under section 3 of the Government Performance and Results Act of 1993, as amended (5 U.S.C. 306);

(d) identify agency activities, policies, plans, procedures, and practices that are relevant to the agency's implementation of this order, and where necessary, provide for development and implementation of new or revised policies, plans, procedures, and practices;

(e) identify specific agency goals, a schedule, milestones, and approaches for achieving results, and quantifiable metrics for agency implementation of this order;

(f) take into consideration environmental measures as well as economic and social benefits and costs in evaluating projects and activities based on lifecycle return on investment;

(g) outline planned actions to provide information about agency progress and performance with respect to achieving the goals of this order on a publicly available Federal website;

(h) incorporate actions for achieving progress metrics identified by the OMB Director and the CEQ Chair;

(i) evaluate agency climate-change risks and vulnerabilities to manage the effects of climate change on the agency's operations and mission in both the short and long term; and

(j) identify in annual updates opportunities for improvement and evaluation of past performance in order to extend or expand projects that have net lifecycle benefits, and reassess or discontinue under-performing projects.

Sec. 9. Recommendations for Greenhouse Gas Accounting and Reporting. The Department of Energy, through its Federal Energy Management Program, and in coordination with the Environmental Protection Agency, the Department of Defense, the General Services Administration, the Department of the Interior, the Department of Commerce, and other agencies as appropriate, shall:

(a) within 180 days of the date of this order develop and provide to the CEQ Chair recommended Federal greenhouse gas reporting and accounting procedures for agencies to use in carrying out their obligations under subsections 2(a), (b), and (c) of this order, including procedures that will ensure that agencies:

more

(OVER)

- (i) accurately and consistently quantify and account for greenhouse gas emissions from all scope 1, 2, and 3 sources, using accepted greenhouse gas accounting and reporting principles, and identify appropriate opportunities to revise the fiscal year 2008 baseline to address significant changes in factors affecting agency emissions such as reorganization and improvements in accuracy of data collection and estimation procedures or other major changes that would otherwise render the initial baseline information unsuitable;
- (ii) consider past Federal agency efforts to reduce greenhouse gas emissions; and
- (iii) consider and account for sequestration and emissions of greenhouse gases resulting from Federal land management practices;

(b) within 1 year of the date of this order, to ensure consistent and accurate reporting under this section, provide electronic accounting and reporting capability for the Federal greenhouse gas reporting procedures developed under subsection (a) of this section, and to the extent practicable, ensure compatibility between this capability and existing Federal agency reporting systems; and

(c) every 3 years from the date of the CEQ Chair's issuance of the initial version of the reporting guidance, and as otherwise necessary, develop and provide recommendations to the CEQ Chair for revised Federal greenhouse gas reporting procedures for agencies to use in implementing subsections 2(a), (b), and (c) of this order.

Sec. 10. Recommendations for Sustainable Locations for Federal Facilities. Within 180 days of the date of this order, the Department of Transportation, in accordance with its Sustainable Partnership Agreement with the Department of Housing and Urban Development and the Environmental Protection Agency, and in coordination with the General Services Administration, the Department of Homeland Security, the Department of Defense, and other agencies as appropriate, shall:

(a) review existing policies and practices associated with site selection for Federal facilities; and

(b) provide recommendations to the CEQ Chair regarding sustainable location strategies for consideration in Sustainability Plans. The recommendations shall be consistent with principles of sustainable development including prioritizing central business district and rural town center locations, prioritizing sites well served by transit, including site design elements that ensure safe and convenient pedestrian access, consideration of transit access and proximity to housing affordable to a wide range of Federal employees, adaptive reuse or renovation of buildings, avoidance of development of sensitive land resources, and evaluation of parking management strategies.

Sec. 11. Recommendations for Federal Local Transportation Logistics. Within 180 days of the date of this order, the General Services Administration, in coordination with the Department of Transportation, the Department of the Treasury, the Department of Energy, the Office of Personnel Management,

more

and other agencies as appropriate, shall review current policies and practices associated with use of public transportation by Federal personnel, Federal shuttle bus and vehicle transportation routes supported by multiple Federal agencies, and use of alternative fuel vehicles in Federal shuttle bus fleets, and shall provide recommendations to the CEQ Chair on how these policies and practices could be revised to support the implementation of this order and the achievement of its policies and goals.

Sec. 12. Guidance for Federal Fleet Management. Within 180 days of the date of this order, the Department of Energy, in coordination with the General Services Administration, shall issue guidance on Federal fleet management that addresses the acquisition of alternative fuel vehicles and use of alternative fuels; the use of biodiesel blends in diesel vehicles; the acquisition of electric vehicles for appropriate functions; improvement of fleet fuel economy; the optimizing of fleets to the agency mission; petroleum reduction strategies, such as the acquisition of low greenhouse gas emitting vehicles and the reduction of vehicle miles traveled; and the installation of renewable fuel pumps at Federal fleet fueling centers.

Sec. 13. Recommendations for Vendor and Contractor Emissions. Within 180 days of the date of this order, the General Services Administration, in coordination with the Department of Defense, the Environmental Protection Agency, and other agencies as appropriate, shall review and provide recommendations to the CEQ Chair and the Administrator of OMB's Office of Federal Procurement Policy regarding the feasibility of working with the Federal vendor and contractor community to provide information that will assist Federal agencies in tracking and reducing scope 3 greenhouse gas emissions related to the supply of products and services to the Government. These recommendations should consider the potential impacts on the procurement process, and the Federal vendor and contractor community including small businesses and other socioeconomic procurement programs. Recommendations should also explore the feasibility of:

(a) requiring vendors and contractors to register with a voluntary registry or organization for reporting greenhouse gas emissions;

(b) requiring contractors, as part of a new or revised registration under the Central Contractor Registration or other tracking system, to develop and make available its greenhouse gas inventory and description of efforts to mitigate greenhouse gas emissions;

(c) using Federal Government purchasing preferences or other incentives for products manufactured using processes that minimize greenhouse gas emissions; and

(d) other options for encouraging sustainable practices and reducing greenhouse gas emissions.

Sec. 14. Stormwater Guidance for Federal Facilities. Within 60 days of the date of this order, the Environmental Protection Agency, in coordination with other Federal agencies as appropriate, shall issue guidance on the implementation of section 438 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17094).

more

(OVER)

Sec. 15. Regional Coordination. Within 180 days of the date of this order, the Federal Environmental Executive shall develop and implement a regional implementation plan to support the goals of this order taking into account energy and environmental priorities of particular regions of the United States.

Sec. 16. Agency Roles in Support of Federal Adaptation Strategy. In addition to other roles and responsibilities of agencies with respect to environmental leadership as specified in this order, the agencies shall participate actively in the interagency Climate Change Adaptation Task Force, which is already engaged in developing the domestic and international dimensions of a U.S. strategy for adaptation to climate change, and shall develop approaches through which the policies and practices of the agencies can be made compatible with and reinforce that strategy. Within 1 year of the date of this order the CEQ Chair shall provide to the President, following consultation with the agencies and the Climate Change Adaptation Task Force, as appropriate, a progress report on agency actions in support of the national adaptation strategy and recommendations for any further such measures as the CEQ Chair may deem necessary.

Sec. 17. Limitations. (a) This order shall apply to an agency with respect to the activities, personnel, resources, and facilities of the agency that are located within the United States. The head of an agency may provide that this order shall apply in whole or in part with respect to the activities, personnel, resources, and facilities of the agency that are not located within the United States, if the head of the agency determines that such application is in the interest of the United States.

(b) The head of an agency shall manage activities, personnel, resources, and facilities of the agency that are not located within the United States, and with respect to which the head of the agency has not made a determination under subsection (a) of this section, in a manner consistent with the policy set forth in section 1 of this order to the extent the head of the agency determines practicable.

Sec. 18. Exemption Authority.

(a) The Director of National Intelligence may exempt an intelligence activity of the United States, and related personnel, resources, and facilities, from the provisions of this order, other than this subsection and section 20, to the extent the Director determines necessary to protect intelligence sources and methods from unauthorized disclosure.

(b) The head of an agency may exempt law enforcement activities of that agency, and related personnel, resources, and facilities, from the provisions of this order, other than this subsection and section 20, to the extent the head of an agency determines necessary to protect undercover operations from unauthorized disclosure.

(c) (i) The head of an agency may exempt law enforcement, protective, emergency response, or military tactical vehicle fleets of that agency from the provisions of this order, other than this subsection and section 20.

more

- (ii) Heads of agencies shall manage fleets to which paragraph (i) of this subsection refers in a manner consistent with the policy set forth in section 1 of this order to the extent they determine practicable.

(d) The head of an agency may exempt particular agency activities and facilities from the provisions of this order, other than this subsection and section 20, where it is in the interest of national security. If the head of an agency issues an exemption under this section, the agency must notify the CEQ Chair in writing within 30 days of issuance of the exemption under this subsection. To the maximum extent practicable, and without compromising national security, each agency shall strive to comply with the purposes, goals, and implementation steps in this order.

(e) The head of an agency may submit to the President, through the CEQ Chair, a request for an exemption of an agency activity, and related personnel, resources, and facilities, from this order.

Sec. 19. Definitions. As used in this order:

(a) "absolute greenhouse gas emissions" means total greenhouse gas emissions without normalization for activity levels and includes any allowable consideration of sequestration;

(b) "agency" means an executive agency as defined in section 105 of title 5, United States Code, excluding the Government Accountability Office;

(c) "alternative fuel vehicle" means vehicles defined by section 301 of the Energy Policy Act of 1992, as amended (42 U.S.C. 13211), and otherwise includes electric fueled vehicles, hybrid electric vehicles, plug-in hybrid electric vehicles, dedicated alternative fuel vehicles, dual fueled alternative fuel vehicles, qualified fuel cell motor vehicles, advanced lean burn technology motor vehicles, self-propelled vehicles such as bicycles and any other alternative fuel vehicles that are defined by statute;

(d) "construction and demolition materials and debris" means materials and debris generated during construction, renovation, demolition, or dismantling of all structures and buildings and associated infrastructure;

(e) "divert" and "diverting" means redirecting materials that might otherwise be placed in the waste stream to recycling or recovery, excluding diversion to waste-to-energy facilities;

(f) "energy intensity" means energy consumption per square foot of building space, including industrial or laboratory facilities;

(g) "environmental" means environmental aspects of internal agency operations and activities, including those aspects related to energy and transportation functions;

(h) "excluded vehicles and equipment" means any vehicle, vessel, aircraft, or non-road equipment owned or operated by an agency of the Federal Government that is used in:

more

(OVER)

- (i) combat support, combat service support, tactical or relief operations, or training for such operations;
- (ii) Federal law enforcement (including protective service and investigation);
- (iii) emergency response (including fire and rescue); or
- (iv) spaceflight vehicles (including associated ground-support equipment);

(i) "greenhouse gases" means carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride;

(j) "renewable energy" means energy produced by solar, wind, biomass, landfill gas, ocean (including tidal, wave, current, and thermal), geothermal, municipal solid waste, or new hydroelectric generation capacity achieved from increased efficiency or additions of new capacity at an existing hydroelectric project;

(k) "scope 1, 2, and 3" mean;

- (i) scope 1: direct greenhouse gas emissions from sources that are owned or controlled by the Federal agency;
- (ii) scope 2: direct greenhouse gas emissions resulting from the generation of electricity, heat, or steam purchased by a Federal agency; and
- (iii) scope 3: greenhouse gas emissions from sources not owned or directly controlled by a Federal agency but related to agency activities such as vendor supply chains, delivery services, and employee travel and commuting;

(l) "sustainability" and "sustainable" mean to create and maintain conditions, under which humans and nature can exist in productive harmony, that permit fulfilling the social, economic, and other requirements of present and future generations;

(m) "United States" means the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Northern Mariana Islands, and associated territorial waters and airspace;

(n) "water consumption intensity" means water consumption per square foot of building space; and

(o) "zero-net-energy building" means a building that is designed, constructed, and operated to require a greatly reduced quantity of energy to operate, meet the balance of energy needs from sources of energy that do not produce greenhouse gases, and therefore result in no net emissions of greenhouse gases and be economically viable.

## Sec. 20. General Provisions.

(a) This order shall be implemented in a manner consistent with applicable law and subject to the availability of appropriations.

more

(b) Nothing in this order shall be construed to impair or otherwise affect the functions of the OMB Director relating to budgetary, administrative, or legislative proposals.

(c) This order is intended only to improve the internal management of the Federal Government and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

BARACK OBAMA

THE WHITE HOUSE,  
October 5, 2009.

# # #



## **Clean Water Act Enforcement Action Plan**

# **Deliberative**

# **Deliberative**

## **Clean Water Act Enforcement Action Plan**

**October 9, 2009 DRAFT**

# **Deliberative**

# **Deliberative**

# **Deliberative**

# **Deliberative**

# **Deliberative**

# Deliberative

# **Deliberative**



# Deliberative

# **Deliberative**

# Deliberative

# **Deliberative**

# Deliberative

# **Deliberative**

# **Deliberative**

**DRAFT**

**Testimony of  
Lisa Jackson, Administrator  
U.S. Environmental Protection Agency**

**Before the  
Committee on Transportation and Infrastructure  
United States House of Representatives**

**October 15, 2009**

**Deliberative**



# Deliberative

# Deliberative

# Deliberative

# Deliberative

# Deliberative

# Deliberative

**Qs and As for House Transportation and  
Infrastructure Clean Water Act Hearing**

**Q.** What is your reaction to the recent *New York Times* article on Clean Water Act compliance and enforcement?

**Answer:**

**Deliberative**

**Q. What will you do to improve EPA's and states' performance in enforcing the Clean Water Act?**

**Answer:**

**Deliberative**



**Q. Did the *NY Times* get its facts right? For example, the article said that there have been more than 500,000 Clean Water Act violations since 2004, that violations have increased significantly in the last decade, that 60% of facilities have serious violations, and that only 3% of Clean Water Act violations resulted in fines or other significant punishments by states. Is that true?**

**Answer:**

**Deliberative**

## State and EPA Enforcement Performance and Oversight

**Q. How well are State clean water enforcement programs performing?**

**Answer:**

**Deliberative**

**Q. What is the State Review Framework (SRF), and is it working to improve state performance?**

**Answer:**

**Deliberative**

**Q. Based on the State Framework reviews, which states have the weakest enforcement and compliance NPDES programs?**

**Answer:**

**Deliberative**

**Q. Why did EPA wait so long to strengthen oversight of state water enforcement programs?**

**Answer:** **Deliberative**

**Deliberative**

**Q. How is EPA performing in the states and territories where it implements the Clean Water Act program?**

**Answer:** **Deliberative**

**Deliberative**

**Q. How does EPA oversee the performance of state programs?**

**Answer:** **Deliberative**

**Deliberative**

**Q. To what extent is inadequate EPA or state enforcement performance the result of inadequate resources?**

**Answer:**

**Deliberative**

## Action Plan

**Q. How soon will we see improvements in water quality from EPA enforcement?**

**Answer:**

**Deliberative**

**Q. In its Sept. 18 article, the *NY Times* reported that over-application of manure is contaminating drinking water wells. Why isn't EPA taking enforcement actions or ensuring that states like WI are taking appropriate action?**

**Answer:**

**Deliberative**

**Deliberative**

**Q. What are some of the enforcement issues relating to CAFOs?**

**Answer:**

**Deliberative**

**Deliberative**

**Q. What has EPA done to ensure that CAFOs do not pollute our waters?**

**Answer:**

**Deliberative**

**Deliberative**

## **Rapanos**

- Q.** Why is legislation amending the Clean Water Act necessary after *SWANCC* and *Rapanos*, since Congress did not intend the Federal government to regulate all waters without limitation?

**Answer:**

**Deliberative**

- Q.** Why does EPA want to vastly expand CWA jurisdiction beyond what is currently allowed?

**Answer:**

**Deliberative**

**Deliberative**

## **Background that could be presented before the Q and As**

### **Supreme Court Decisions on Rapanos & SWANCC**

In January 2001, the U.S. Supreme Court in *Solid Waste Authority of Northern Cook County v. United States*, 531 U.S. 159 (2001) (“SWANCC”) held that interstate, non-navigable, isolated waters could not be protected as “waters of the US” under the CWA based solely on the presence of migratory birds. While the decision in *SWANCC* did not invalidate any regulations, the basis articulated by the Courts for its decision raises significant questions regarding Federal authority to assert CWA jurisdiction over isolated wetlands, lakes, and streams that have no hydrologic connection to other regulated waters.

In June 2006, a split Supreme Court vacated and remanded judgments of the Sixth Circuit Court of Appeals in *Rapanos v. United States*, 547 U.S. 715 (2006) (“Rapanos”). The justices issued five opinions, with none of those opinions having a majority of votes. The pivotal opinions are those by the plurality (indicating that jurisdictional waters include “relatively permanent waters” or wetlands with a continuous surface connection to such waters) and by Justice Kennedy (indicating that waters are jurisdictional where they have a “significant nexus” to navigable waters).

EPA and the Corps of Engineers have asserted in post-Rapanos litigation that a water is jurisdictional under the CWA when it meets either the plurality or Kennedy standard. This is the interpretation reflected in the Rapanos Guidance issued in December 2008; and continues to be the government’s position. The 11<sup>th</sup> Circuit, however, has explicitly rejected this position, resulting in a split in the Circuit Courts of Appeal.

# Personal Privacy



# Personal Privacy

# Personal Privacy

**Statement of Lisa P. Jackson**  
**Administrator, U.S. Environmental Protection Agency**  
**Hearing before the Senate Committee on Environment and Public Works**  
**October 27, 2009**

Chairman Boxer, Ranking Minority Member Inhofe, and members of the Committee, thank you for inviting me to testify about the Clean Energy Jobs and American Power Act.

I last appeared before this Committee on July 7. Since then, this Administration has, under President Obama's leadership, taken unprecedented steps to decrease America's dependence on oil, put our nation in the lead of the 21<sup>st</sup> Century energy economy, and reduce the greenhouse-gas pollution that threatens our children and grandchildren.

On September 15, for example, Secretary LaHood and I jointly announced coordinated Department of Transportation and Environmental Protection Agency rulemakings to increase the fuel efficiency and reduce the greenhouse-gas emissions of cars and light-duty trucks sold from 2012 through 2016. The rules will reduce the lifetime oil consumption of those vehicles by 1.8 billion barrels. That will mean eliminating more than a billion barrels of imported oil, assuming the current ratio of domestic production to imports does not improve. At today's oil prices, we are talking about preventing 78 billion dollars from going abroad to buy oil from other countries. In the process, the rules will eliminate nearly a billion metric tons of greenhouse-gas pollution.

Each of my colleagues here can describe other steps that this Administration has already taken to make America's economy stronger by getting it running on clean energy.

Even as the President and the members of his Cabinet move forward under existing authority, we continue urging Congress to pass a new clean-energy law. Only new legislation can bring about the comprehensive and integrated changes that are needed to restore America's economic health and keep the nation secure over the long term.

This Committee held its July 7 hearing shortly after the House of Representatives passed the American Clean Energy and Security Act. So I took the opportunity to echo President Obama's request that the Senate demonstrate the same commitment that we had seen in the House to building a clean-energy foundation for a strong American economy.

The introduction of the Clean Energy Jobs and American Power Act on September 30 shows that the Senate is responding to the President's call to action. I commend you, Madame Chairman, and Senators Kerry and Kirk, for introducing that bill. I applaud the many other Senators, including members of this committee, who contributed meaningfully to the introduced legislation. And I thank Senator Graham for joining with Senator Kerry in a recent statement that reminds us all that giving America control over its own energy destiny can and should be a bi-partisan mission.

Earlier this year, EPA ran the major provisions of the House clean-energy legislation through several economic computer models. When it comes to the specifications that the models can detect, the Clean Energy Jobs and American Power Act is very similar to the House legislation. Nevertheless, EPA has examined the ways in which the Senate bill is different and determined which of the conclusions reached about the House-passed bill can confidently be said to apply to the Senate bill as well.

EPA delivered the result of that inquiry to the Committee last Friday, and the members can review the report in detail. But let me just state three of the projections about the House bill that EPA feels confident also apply to the Clean Energy Jobs and American Power Act.

First, the legislation would transform the American economy from one that is relatively energy inefficient and dependent on highly-polluting energy production to one that is highly energy efficient and powered by advanced, cleaner, and more domestically-sourced energy.

Second, the legislation would bring about that transformation at a cost of less than 50 cents per day per American household in 2020.

Third, the finding that regional cost differences would be small applies to the Senate bill just as it did to the House legislation.

Moreover, even if the cost borne by the average household in a particular state were double the national average, it still would be less than a dollar a day in 2020.

I do not think anyone can honestly say that the head of an American household would not be willing to spend fifty cents a day – or even a dollar a day – to safeguard the wellbeing of his or her children, reduce the amount of money that we send abroad for oil, place American entrepreneurs back in the lead of the global marketplace, and create new American jobs that pay well and cannot be outsourced.

I think Americans want reform that harnesses the country's can-do spirit. I think they want to fuel long-term economic recovery with a wise investment that sparks a clean-energy transformation in our economy and that protects our children and grandchildren.

The Clean Energy Jobs and American Power Act is a significant milestone on the road to that reform. There of course remains road ahead, and there are many Senators on and off this Committee who have tremendous value to add. Thank you for your continuing work, and for inviting me to testify today.

**Principals' Visit to Appalachia  
Draft Plan**

# **Deliberative**

# Deliberative

Congressional outreach: CEQ lead

# Deliberative

DRAFT